E-UN-68

Issued 22-10-29.

VOL. L. No. 6.

PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL

OF THE GOVERNOR OF MADRAS

OFFICIAL REPORT

FOURTH SESSION OF THE THIRD LEGISLATIVE COUNCIL
UNDER THE GOVERNMENT OF INDIA ACT, 1919

Tuesday, the 1st October 1929

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MADRAS
PRINTED BY THE SUPERINTENDENT, GOVERNMENT PRESS

1929

Price, 2 annas.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Tuesday, the 1st October 1929.

The House met at 11 o'clock, Mr. President (the hon. Rao Bahadur C. V. S. NARASIMHA RAJU Garu) in the Chair.

PRESENT:

Usman Sahib Bahadur, *Kt.*, The hon. Khan Bahadur Sir Muhammad.
Moir, K.C.I.E., C.S.I., I.C.S., The hon. Sir Thomas.
Krishnan Nayar, The hon. Diwan Bahadur M.
Campbell, C.S.I., C.I.E., O.B.E., V.D., I.C.S., The hon. Mr. A. Y. G.
Subbarayan, The hon. Dr. P.
Muthiah Mudaliyar, The hon. Mr. S.
Seturatnam Ayyar, The hon. Mr. M. R.
Abdul Hameed Khan Sahib Bahadur.
Abdul Razack Sahib Bahadur, Khan Bahadur S. K.
Achutan, Mr. A.
Adinarayana Chettiyar, Mr. T.
Ahmed Miran Sahib Bahadur, Moulvi Hafiz Anumanthakudi Mustafa.
Anjaneyulu, Mr. P.
Arogyaswami Mudaliyar, Diwan Bahadur R. N.
Arpudaswami Udayar, Mr. S.
Basheer Ahmed Sayeed Sahib Bahadur.
Bheemayya, Mr. J.
Biswanath Das Mahasayo, Sriman.
Cotterell, C.I.E., I.C.S., Mr. C. B.
Dorai Raja, Mr. S. N.
Ellappa Chettiyar, Rao Bahadur S.
Ethirajulu Nayudu, Diwan Bahadur P. C.
Foulkes, Mr. R.
Gangadhara Siva, Mr. M. V.
Gopala Menon, Mr. C.
Govindaraja Mudaliyar, Mr. C. S.
Govinda Nayar, Mr. C.
Gray, O.B.E., I.C.S., Mr. J.
Guruswami, Rao Sahib L. C.
Hampayya, Rai Sahib M.
Hearson, Mr. H. F. P.
Hilton Brown, I.C.S., Mr.
James, Mr. F. E.
John, Mr. V. Ch.
Kaleswara Rao, Mr. A.
Kameswara Rao Nayudu, Mr. V.
Karant, Mr. K. R.
Kesava Pillai, C.I.E., Diwan Bahadur P.
Khadir Mohidin Sahib Bahadur, Muhammad.
Khalif-ul-lah Sahib Bahadur, Khan Bahadur P.
Koti Reddi, Mr. K.
Krishnan, Mr. K.
Krishnaswami Ayyar, Mr. Alladi.
Krishnaswami Nayakar, Mr. K. V.
Kumaraswami Reddiyar, Diwan Bahadur S.
Kuppuswami, Mr. J.
Leach, I.C.S., Mr. A. G.
Leech, Mr. A J.
Madhavan Nayar, Mr. K.
Maharaja of Pithapuram.
Mahmud Schamnad Sahib Bahadur.
Mallayya, Dr. B. S.
Manikkavelu Nayakar, Mr. M. A.
Meera Ravuttar Bahadur, K. P. V. S. Muhammad.
Moidoo Sahib Bahadur, Khan Sahib T. M.
Muniswami Nayudu, Rao Bahadur B.
Muniswami Pillai, Mr. V. I.
Muppil Nayar of Kavalappara, the.
Muthulakshmi Reddi, Dr. (Mrs.).
Muthuranga Mudaliyar, Mr. C. N.
Nagan Gowda, Mr. R.
Nanjappa Bahadur, Subadar-Major S. A.
Narayana Raju, Mr. D.
Narayana Rao, Mr. Mothay.
Narayanan Chettiyar, Mr. Al. Ar.
Narayanan Nambudripad, Rao Bahadur O. M.
Natesa Mudaliyar, Dr. Rao Bahadur C.
Obi Reddi, Mr. C.
Parasurama Rao Pantulu, Mr. A.
Parthasarathi Ayyangar, Mr. C. R.
Patro, *Kt.*, Rao Bahadur Sir A. P.
Premayya, Mr. G. R.
Raja of Kallikota.
Ramachandra Padayachi, Mr. K.
Ramamurti, I.C.S., Mr. S. V.
Raman Menon, Mr. K. P.
Ramanath Goenka, Mr.
Ramjee Rao, Mr. V.
Rutherford, Mr. T. G.
Ranganatha Mudaliyar, Mr. A.
Saldanha, Mr. J. A.
Sami Venkatachalam Chetti, Mr.
Sankaran Unni, Mr. E.
Sarabha Reddi, Mr. K.
Satyamurti, Mr. S.
Shetty, Mr. A. B.
Siva Raj, Mr. N.
Soundarapandian, Mr. W. P. A.
Srinivasa Ayyangar, Mr. R.

PRESENT—*cont.*

Srinivasan, Rao Sahib R.
Subrahmanya Moopanar, Mr. S.
Swami, Mr. K. V. R.
Tajudin Sahib Bahadur, Syed.
Tulasiram, Mr. L. K.
Uppi Sahib, Mr. K.
Vanavudaiya Goundar, Mr. S. V.
Venkatapathi Raju, Mr. P. C.
Venkataramana Ayyangar, Mr. C. V.
Venkatarangam Nayudu, Mr. C.
Venkataratnam, Mr. B.
Venkiah, Mr. S.
Watson, I.C.S., Mr. H. A.
Wood, Mr. C. E.
Zamindar of Seithur.

I

QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Arms and Ammunitions

Licences for revolvers, etc., in Bellary district.

*658 *Q.*—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Home Member be pleased to state talukwar the total number of applications for licences received for and licences actually granted for (1) rifles, (2) revolvers, (3) breech-loading guns, (4) muzzle-loading guns and (5) other sorts of guns, if any, during each of the years 1926, 1927 and 1928 respectively in the Bellary district?

A.—The Government have no information but have called for it.

Mr. K. V. R. SWAMI :—"May I know whether any such account in other districts is maintained at all?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"I think so."

Mr. K. V. R. SWAMI :—"If so, will the hon. Member call for the information?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"I do not think it is necessary."

Mr. K. V. R. SWAMI :—"May I know whether this information is published anywhere?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :—"I shall look into the matter and see whether it is available in any published report."

Applications for gun licences for crop protection in South Kanara.

* 659 *Q.*—Mr. A. B. SHETTY: With reference to my question No. 198 answered on 9th August 1929, will the hon. the Home Member be pleased to state—

(*a*) the number of applications for gun licences received for crop protection in South Kanara in each of the years 1926, 1927 and 1928; and

(*b*) the number of licences granted?

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A.—(*a*) & (*b*) The following statement gives the information :—

Year.	Number of applications received.		Number of licences.	
	For renewal.	For fresh grant.	Renewed.	Freshly granted.
1926	3,565	980	3,565	489
1927	3,814	757	3,814	204
1928	3,775	824	3,775	331

Mr. A. B. SHETTY :—"From the statement given here I see a large number of new applicants have been refused licences. May I know on what grounds so many of the applicants for fresh grant of licences were refused ?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :— "It is impossible to answer a question like that off-hand."

Mr. MAHMUD SCHAMNAD :—"May I know whether there is a departmental understanding that over and above a certain number licences should not be granted ?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :— "There is no such understanding."

Elections

Eligibility of karnams and village headmen for election to local bodies and legislatures.

* 660 *Q.*—Mr. A. RANGANATHA MUDALIYAR : Will the hon. the Home Member be pleased to state whether any distinction is made between a village headman and karnam in regard to their eligibility to stand for election to a local body or to the Legislative Council and if so, why ?

A.—None in respect of municipalities and village panchayats. The village headman is, however, eligible for election to the Legislative Council and the local boards, whereas a karnam is not.

Mr. D. NARAYANA RAJU :—"May I know whether there is a proposal to do away with the differentiation between the karnams and village headmen with regard to election to local boards ?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :— "There is no such proposal."

Mr. D. NARAYANA RAJU :—"May I know the reason why such distinction is maintained ?"

The hon. Khan Bahadur Sir MUHAMMAD USMAN SAHIB Bahadur :— "There is no particular reason for maintaining such a distinction, but when the amendment to the Local Boards Act is taken up the question may be considered."

Labour

Reorganization of the Labour Department.

* 661 *Q.*—Mr. C. GOPALA MENON : Will the hon. the Home Member be pleased to state—

(*a*) whether the final proposals for the reorganization of the Labour Department have been received from the Commissioner of Labour ;

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(*b*) if the answer to (*a*) is in the affirmative, what those proposals are ; and

(*c*) whether the Government have under consideration any proposal to start special training schools for training teachers employed in the labour schools as Community Welfare Workers or aid any non-official organization prepared to undertake such training ?

A.—(*a*) & (*b*) No.
(*c*) No.

Local Fund Audit

Revision of the results of the Local Audit Department S.A.S. Examination held in 1927.

*662 *Q.*—Mr. C. V. Venkataramana Ayyangar : Will the hon. the Member for Finance be pleased to state—

(*a*) whether he is aware that the results of the Local Audit Department S.A.S. Examination held in 1927 were revised in 1929 after a year and a half and if so, why ;

(*b*) whether a memorandum was issued by the Examiner of Local Fund Accounts in April 1929 declaring all the candidates but one who passed the examination in 1927 to have failed in the Examination ;

(*c*) what were the circumstances which necessitated the revision in 1929 of results of the year 1927 ;

(*d*) who was entrusted by the Examiner of Local Fund Accounts in 1927 with the preparation of the statement of marks put up to the Secretary to Government, Finance Department ;

(*e*) whether the rules relating to the S.A.S. Examination permit such revision after such a length of time ; and

(*f*) whether it is a fact that the pay of the clerks who passed in 1927 was increased every year according to the rules and that it has been now reduced, and that recovery for previous overpayment has been ordered by the Examiner, and if so, whether such reduction of pay and recovery were sanctioned or approved by the Government ?

A.—Under the rules for the conduct of the Subordinate Accounts Service Examination in the Local Audit Department the Accountant-General was asked to arrange for the examination in certain subjects and the Examiner, Local Fund Accounts, to arrange for the examination in other subjects. It was then the duty of the Examiner, Local Fund Accounts, to transmit the marks to the Finance Secretary who would communicate the result to the Examiner, Local Fund Accounts, for publication. The function of the Examiner, Local Fund Accounts, was merely to arrange for the examination in certain subjects and to transmit the marks to the Finance Secretary. In accordance with these orders the then Examiner of Local Fund Accounts at the end of December 1927 sent to the Finance Secretary a table of marks which he said showed the marks scored by the candidates at the examination held in November 1927 and the Finance Secretary approved of the results based on that statement. Subsequently in February and March 1929 it was discovered that the marks shown in the statement sent in by the Examiner were not the marks actually assigned by the examiners in two subjects. A correct statement

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showing the marks so assigned was then prepared and placed before the Finance Secretary, who ordered the revision of the results formerly announced which were based on incorrect data. The clerks concerned have been called upon to show cause why their pay which was increased on the incorrect assumption that they had passed the examination should not be reduced to the correct pay to which they would have been entitled as failed candidates.

Mr. D. NARAYANA RAJU :—" May I know, Sir, how this Examiner of Local Fund Accounts committed such a mistake as to note down marks not assigned by the examiners ? "

The hon. Sir THOMAS MOIR :—" I do not know, Sir."

Mr. D. NARAYANA RAJU :—" May I know with regard to how many clerks was this mistake committed ? "

The hon. Sir THOMAS MOIR :—" I do not know Sir. I think about six."

Mr. D. NARAYANA RAJU :—" May I know what is the amount of over-payment to the clerks ? "

The hon. Sir THOMAS MOIR :—" I am unable to say."

Mr. D. NARAYANA RAJU :—" With regard to the last sentence of the answer, may I know whether it is proposed to reduce their present pay to the correct figure or whether they are asked also to return the overpayments made to them in the past ? "

The hon. Sir THOMAS MOIR :—" Sums overpaid will be waived."

Civil Justice

Proposed location of the civil courts in Vellore outside the Fort.

* 663 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Law Member be pleased to state—

(*a*) whether there is now any proposal before the Government to locate the civil courts at Vellore in any place outside the Vellore Fort ; and

(*b*) if so, whether the Government will consider the advisability of abandoning it in view of the great advantages which the litigant public have in having them in the Fort itself ?

A.—(*a*) & (*b*) The proposals for the construction of combined court-house for the civil courts, Vellore, are under the consideration of the High Court. They have not yet been received by Government.

Alleged delay in giving judgment in a land acquisition case in Vellore.

* 664 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Law Member be pleased to state—

(*a*) whether the Government are aware that there has been a delay of more than six months (during which the summer holidays intervened) on the part of the District Judge of North Arcot in pronouncing judgment in a land acquisition case of Vellore town, in which the arguments had been heard and the case closed by the middle of February 1929 ; and

(*b*) if so, what action the Government intend taking in the matter ?

A.—The Government have no information but will call for a report.

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Removal of the distinction between bailifs and process-servers.

* 665 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state whether the Government have examined the question of removing the distinction between the bailifs on the one hand and the process-servers and amins on the other and if so, with what result?

A.—The Government have not examined the question.

Mr. D. NARAYANA RAJU:—"May I know whether the Government propose to examine this question?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"No, Sir."

Mr. D. NARAYANA RAJU:—"May I know whether it is a fact that the services rendered by the bailifs on the one hand and those rendered by the amins and process-servers on the other hand are of the same kind?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"They are more or less the same."

Mr. D. NARAYANA RAJU:—"Then, may I know why this distinction is maintained?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Because, it is based on a distinction maintained from ancient times."

Mr. BASHEER AHMED SAYEED:—"Then, if there is no other reason, will the hon. Member see that the distinction is removed?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"No, Sir."

Increase of pay, etc., to process-servers.

* 666 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Law Member be pleased to state whether the Government have received a copy of the resolutions passed at the Conference of process-servers held at Tanjore, on 25th and 26th May 1929, praying for (1) an increase of pay; (2) extension of the Provident Fund System; (3) the preparation of a process servers' manual; (4) prohibition orders restraining Judges from directing process-servers to pull punkas in the court-hall, etc., and if so, whether they have considered and passed orders on the same?

A.—Copies of the resolutions have not been received by the Government.

Introduction of the Court-Fees Amendment Bill.

* 667 Q.—Mr. C. V. VENKATARAMANA AYYANGAR: Will the hon. the Law Member be pleased to state whether the Government intend moving at the next meeting of the Council that the Court-Fees Amendment Bill as amended by the Select Committee be taken into consideration, and if not, why not?

A.—The Government have decided not to proceed with the Bill.

Mr. D. NARAYANA RAJU:—"May I know the reasons why Government do not propose to proceed with the Court-Fees Amendment Bill?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Because there will be a large loss of revenue."

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Mr. D. NARAYANA RAJU :—"May I know then why they brought the amending Bill? Did they foresee the loss of revenue when they brought that amending Bill?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"No, the Select Committee introduced changes not contemplated by Government."

Mr. K. V. R. SWAMI :—"May I know whether Government are aware of the fact that some time back they made a definite promise that as soon as funds permitted they would reduce the court-fees?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Notice, Sir."

Mr. BASHEER AHMED SAYEED :—"Will the hon. the Law Member see the feasibility of amending the Court-Fees Act without loss of revenue to Government?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I don't know whether it is possible."

Mr. L. K. TULASIRAM :—"May I know whether it is the policy of the Government not to amend any Bill if it touches the pocket of the Government?"

The hon. the PRESIDENT :—"That is not a supplementary question."

Mr. D. NARAYANA RAJU :—"May I know whether Government are in such dire need of funds that they cannot afford to forego any part of the court-fees?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"Yes, the Government are always in need of funds." (Laughter.)

Mr. BASHEER AHMED SAYEED :—"May I know whether the hon. the Law Member has examined the recommendations of the Taxation Enquiry Committee, and especially the memorandum or memoranda containing proposals to reduce court-fees without loss of revenue to Government?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I am not aware of it."

Mr. P. C. VENKATAPATHI RAJU :—"Is it not the object of the Bill to relieve the people of some portion of the court-fees that they are now paying?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"That was the object."

Mr. P. C. VENKATAPATHI RAJU :—"Then what is the difficulty in proceeding with the Bill?"

The hon. the PRESIDENT :—"It has already been answered."

Mr. K. V. R. SWAMI :—"May I know whether the hon. Member while on these benches urged this view?"

The hon. the PRESIDENT :—"It is not a matter within the cognizance of this Government."

Mr. BASHEER AHMED SAYEED :—"If the hon. the Law Member is not aware of the recommendations of the Taxation Enquiry Committee, will he at least look into them and introduce an amending Bill on the lines laid down there?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—"I shall examine the question."

Forests

Alleged fall in income from forest buildings.

* 668 *Q.*—Mr. G. HARISARVOTTAMA RAO: With reference to the answer given to my supplementary question on question No. 1775, answered on 18th March 1929, will the hon. the Law Member be pleased to state why the income on forest buildings fell as low as 12·3 per cent in 1927–28, whereas in previous years for which information is available it was 15·7 per cent and 17·5 per cent?

A.—The income was lower, because the expenditure on buildings under construction was heavier in 1927–28 than in the two preceding years.

Application from the Sri Lakshmi Mills for supply of timber.

* 669 *Q.*—Mr. A. B. SHETTY: Will the hon. the Law Member be pleased to state—

(*a*) whether the Sri Lakshmi Mills of Kasaragod in South Kanara had applied to the Chief Conservator of Forests to give them a sufficient supply of timber and, if so, when; and

(*b*) what arrangement has been made to supply them timber as required?

A.—(*a*) Yes: on 14th September 1927.

(*b*) There is no standing arrangement to supply timber as required. But the Forest Department supplied the mill with 50,500 cubic feet of timber in all in 1928.

Mr. D. NARAYANA RAJU:—"May I know what is the total quantity of timber applied for by the Sri Lakshmi Mills, and what portion is being supplied and what are the difficulties experienced, if any, that made the Forest Department unable to supply the total quantity of timber asked for?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Notice, Sir."

Appointment of a mechanical expert and a ranger in Olavakkot and Chedleth Saw Mills respectively.

* 670 *Q.*—Mr. K. V. R. SWAMI: Will the hon. the Law Member be pleased to state—

(*a*) why a mechanical expert and officer in charge of seasoning kilns on Rs. 400 per mensem is appointed for Olavakkot Saw Mill; and

(*b*) why a ranger on Rs. 150 + 50 is appointed for Chedleth Saw Mill?

A.—(*a*) The officer is in charge of the seasoning kilns and he is attending to the manager's duties in addition to seasoning work.

(*b*) No ranger is permanently employed at the mill. Before 5th July 1929 a ranger was employed at the mill temporarily for the organization and movement of large stocks of sawn timber which could not be entrusted to the local forester.

Mr. K. V. R. SWAMI:—"May I know why a mechanical expert is appointed in the Olavakkot Saw Mill, when there are no such officers in other mills?"

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The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" There was a manager before and that post was abolished and the present officer is discharging besides his own duties those of the manager."

Mr. K. V. R. SWAMI :—" What was the pay of the manager ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Notice."

Jails

Alleged refusal to include Mr. Annapurnaiah in the special division of prisoners.

* 671 Q.—Mr. K. V. R. SWAMI : Will the hon. the Law Member be pleased to state why the District Magistrate of East Godavari refused to include Mr. Annapurnaiah in the special division of prisoners in spite of the fact that he was requested to do so and was referred to relevant rules in the Madras Jail Manual relating to special division of prisoners ?

A.—The Government have no information.

Mr. K. V. R. SWAMI :—" May I know when Government called for the information ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Notice, Sir."

Mr. A. KALESWARA RAO :—" Taking into consideration the offence of Mr. Annapurnaiah, may I know whether the Government intend to order that the gentleman be included in the special division ? "

The hon. the PRESIDENT :—" That has been answered on a previous occasion."

Mr. K. V. R. SWAMI :—" May I know whether Government will issue a circular drawing the attention of the District Magistrates to the rules relating to the special division of prisoners since they do not seem to be aware of them ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" My friend was not here yesterday when the whole subject was discussed, and I stated that it would be considered."

Irrigation

Action taken on the recommendations of the Ceded Districts Irrigation Committee.

* 672 Q.—Mr. K. KOTI REDDI : Will the hon. the Member for Revenue be pleased to state—

(a) what recommendations of the Ceded Districts Irrigation Committee the Government have proposed to give effect to ; and

(b) the steps so far taken with regard to each of such recommendations ?

A.—(a) & (b) A statement [a] containing the information asked for is laid on the table.

Mr. K. KOTI REDDI :—" With reference to Velligallu project on page 15, may I know what exactly is being done now ? "

The hon. Mr. A. Y. G. CAMPBELL :—" I am sorry I must ask for notice."

[a] Printed as Appendix I on pages 585–587 infra.

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Proposed breaching of the Dongal cheruvu near Cuddapah town.

* 673 Q.—Mr. K. Koti Reddi : Will the hon. the Member for Revenue be pleased to state—

(a) whether there is any proposal made by the malarial or any other officer to breach the ' Dongal cheruvu ' tank near Cuddapah town ;

(b) the grounds on which such a proposal was made ;

(c) (1) the extent of land that is to be converted into dry from wet,

(2) the annual loss of revenue to the Government, and

(3) the estimated amount of compensation to be awarded to the ryots, if such a proposal is to be given effect to ;

(d) whether a similar proposal was made some years ago and whether the Government turned it down and issued a Government Order to that effect ;

(e) whether the Government have considered the feasibility of taking other steps short of breaching the tank in order to prevent mosquito-breeding and what they are ; and

(f) whether the Government have come to any conclusion and if so, what it is ?

A.—(a) & (b) The Special Malaria Officer has recommended that as the ragi irrigation channels under the Dongala cheruvu breed malarial mosquitoes, the tank should be breached, and abandoned as an irrigation source, or that adequate arrangements should be made to maintain the irrigation channels under the tank in a clean state.

(c) (1) & (2) The registered ayacut is 128 acres with an aggregate assessment of Rs. 597.

(3) The Government have no information.

(d) Yes. The hon. Member's attention is invited to the answer to question No. 268 answered on 16th September 1922.

(e) & (f) No. The Government have referred the recommendations of the Special Malaria Officer to the Chief Engineer (Irrigation) and the Board of Revenue for report.

Mr. K. Koti Reddi :—" With regard to item 3 of clause (c) may I know whether Government have received information of the amount to be paid as compensation ? "

The hon. Mr. A. Y. G. Campbell :—" Before the Government decide to breach the tank the question of compensation will be taken into consideration. "

Mr. K. Koti Reddi :—" Then, may I know that before Government decides the question they should get the necessary information for the purpose of arriving at a decision ? "

The hon. Mr. A. Y. G. Campbell :—" I think it is stated that the Government have called for a report from the Board of Revenue and presumably the Board of Revenue will give this information if they recommend that the tank should be breached."

Mr. K. Koti Reddi :—" May I know whether the Collector has subsequently reported that in view of the large compensation that has to be paid, the idea of breaching the tank may be abandoned ? "

The hon. Mr. A. Y. G. Campbell :—" I have no information, Sir. "

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Damage by floods in East Godavari Agency.

* 674 *Q.*—Mr. K. V. R. Swami: With reference to question No. 1758 answered on 16th March 1929, will the hon. the Member for Revenue be pleased to state—

(*a*) whether the report called for has been received;

(*b*) if so, what is the value of damage caused in 1928–29 in the East Godavari Agency to roads, bridges and tanks;

(*c*) the amount required for repairing the same; and

(*d*) how much has been spent already?

A.—(*a*) Yes.

(*b*), (*c*) & (*d*) A statement[a] giving the information is annexed.

Mr. K. V. R. Swami:—"When the amount required is 3 lakhs and odd may I know why so little only was spent all this time?"

The hon. Mr. A. Y. G. Campbell:—"I have already called for a report as to what is being done with regard to the remaining repairs and whether all the breaches will be repaired before the end of this year."

Mr. K. V. R. Swami:—"May I know whether the whole sum required will be provided for in the next budget."

The hon. Mr. A. Y. G. Campbell:—"That will be considered after the report is received."

Public Service

Increments to unpassed Muslim clerks in several departments.

* 675 *Q.*—Mr. Basheer Ahmed Sayeed: Will the hon. the Member for Revenue be pleased to state—

(*a*) whether it is a fact that several heads of departments do not allow unpassed clerks who have reached a figure above the efficiency bar and exempted under the provisions of G.O. Press No. 949, dated 5th November 1926, to draw increments above the pay drawn by them at the time of the passing of the said Government Order on the ground of absence of definite orders from Government permitting them to rise to the maximum pay;

(*b*) whether the Government will be pleased to call for a statement of cases of Muslim unpassed clerks who have not been allowed to draw increments and rise to the maximum although they have crossed the efficiency bar and place the same on the table of the House; and

(*c*) why these clerks have not been allowed to draw the increments after they have crossed the efficiency bar, so as to reach the maximum?

A.—(*a*) After the issue of the Government Order quoted, heads of departments have no power to permit unpassed men to rise above the pay drawn by them on the date of the issue of the Government Order if such pay is beyond the efficiency bar.

(*b*) The Government do not consider that any useful purpose will be served by embarking on the laborious collection of this information, which will involve a reference to all Heads of departments.

(*c*) The attention of the hon. Member is drawn to paragraph 1 of the Government Order which the hon. Member has quoted in clause (*a*) of the question.

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[a] Printed as Appendix II on page 587 infra.

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Mr. Basheer Ahmed Sayeed :—" Will the Government issue orders enabling unpassed clerks to receive the maximum pay ? "

The hon. Mr. A. Y. G. Campbell :—" As I have already stated in this House the question whether any further concessions should be allowed to unpassed clerks is under the consideration of Government."

Settlement

Progress of settlement in various parts of Malabar.

* 676 Q.—Mr. K. R. Karant : Will the hon. the Member for Revenue be pleased to state—

(a) when revenue settlement was made in the various parts of Malabar ; and

(b) when and for which portions resettlement has been made ?

A.—(a) Settlement was introduced in Palghat and half of Calicut in 1900–01, in the rest of Calicut and in Walluvanad and Kurumbranad in 1901–02, in Kottayam and Ponnani in 1902–03, and in Ernad and Chirakkal taluks in 1903–04. The settlement of eight amsams of Malabar-Wynad was completed in 1887–88 and that of the remaining five amsams in 1888–89.

(b) The resettlement has not yet been introduced in any part of the Malabar district except in the Wynad, in which it was introduced in 1926–27.

Education

Alleged disabilities of secondary grade teachers.

* 677 Q.—Mr. C. Ramasomayajulu : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether a deputation of secondary grade teachers waited on him in November 1928 and represented their grievances and whether the hon. the Minister promised to consider the same ;

(b) whether any orders have been passed on the same and if so, what they are ;

(c) whether under the existing system secondary grade teachers can under no circumstances, aspire to salaries beyond Rs. 60 per month whatever be their length of service and qualification ; and

(d) whether the Government intend to remove the disabilities of secondary grade teachers and place them on the same level as the officers in the clerical service ?

A.—(a) Yes.

(b) The representation was considered and it was decided that there was no need to take any action thereon.

(c) While the maximum of the sanctioned scale of pay of secondary grade trained teachers is Rs. 60, they are eligible for appointment as junior grade deputy inspectors of schools. In special cases they may also, with the previous sanction of Government, be appointed as deputy inspectors of schools, senior grade.

(d) There is no such proposal before the Government.

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Alleged refusal of admission to an Adi-Dravida student in Coimbatore Training School.

*678 Q.—Mr. A. B. Shetty : Will the hon. the Minister for Education and Local-Self-Government be pleased to state—

(a) whether it is a fact that one Arunachalam, an Adi-Dravida candidate, applied for admission to the Training school at Coimbatore this year ;

(b) whether he was refused admission though he was specially recommended by the President of the District Educational Council and Mr. Veerian, ex-M.L.C. ;

(c) what were the grounds for not granting admission to this candidate ; and

(d) whether this candidate's applications for admission were similarly rejected in 1927 and in 1928 also ?

A.—(a) Yes.

(b) Yes : the candidate was recommended by Mr. Veerian.

(c) The application was defective and did not furnish the required particulars. The candidate was then selected as a non-stipendiary at his own request. Subsequently he declined to join the training school as a non-stipendiary.

(d) In 1927, the candidate applied for lower elementary grade training in the Government Training School, Erode, but was not selected. He did not apply for training in 1928.

Mr. A. B. Shetty :—" May I know in what way the application was defective, and what were the particulars that were not furnished ? "

The hon. Dr. P. Subbarayan :—" Notice, Sir."

Mr. D. Narayana Raju :—" With regard to clause (b), may I know whether the recommendation by an M.L.C. is a qualification for assuring admission ? "

The hon. Dr. P. Subbarayan :—" I do not think so."

Mr. Basheer Ahmed Sayeed :—" May I know whether the hon. the Minister will be pleased to direct the department that defective applications from Adi-Dravida students may be received and facilities be given to them for admission ? "

The hon. Dr. P. Subbarayan :—" ' Defective ' is a relative term and I cannot answer that."

Mr. V. I. Muniswami Pillai :—" May I know whether the Government are aware that the candidate has 2½ years' service as teacher while others with less service were taken ? "

The hon. Dr. P. Subbarayan :—" It is not only a question of service but is also one of qualifications."

Mr. V. I. Muniswami Pillai :—" Will the hon. the Minister ask the Deputy Inspector of Schools to enquire fully into this matter ? "

The hon. Dr. P. Subbarayan :—" For the reason that he was not qualified he was not taken. He must have at least the minimum qualification."

Mr. A. B. Shetty :—" May I know if this student has not studied up to the 8th standard ? "

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The hon. Dr. P. Subbarayan :—" In the opinion of the District Educational Officer his educational qualifications were not sufficient."

Mr. Mahmud Schamnad :—" For admission to training schools, who is responsible, the headmaster or the educational officer ? "

The hon. Dr. P. Subbarayan :—" Notice."

Number of students educated in Queen Mary's College.

*679 Q.—Mr. K. V. R. Swami : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) when the Queen Mary's College was started ;

(b) how many took their degrees in each year since it was started ;

(c) the number of students that received education in each year ; and

(d) what is the cost per head ?

A.—(a) In 1914.

(b), (c) & (d) The hon. Member is referred to the annual reports on the working of the college which contain particulars of the number of students who were educated in the college and the number who took their degrees and of the charges incurred on the maintenance of the institution. The reports have been placed at the disposal of the Press.

Mr. K. V. R. Swami :—" May I know whether the information called for is contained in the report ? "

The hon. Dr. P. Subbarayan :—" That is what I am told."

Cost of boarding in the Queen Mary's College Hostel.

*680 Q.—Mr. K. V. R. Swami : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the number of students in the hostel attached to Queen Mary's College last year ;

(b) the charges each student has to pay for boarding and lodging, etc., for a year ;

(c) whether there are any students who are given free boarding and lodging ; and

(d) if so, how many ?

A.—The attention of the hon. Member is invited to G.O. No. 1602, Law and Education, dated 31st July 1929, placed at the disposal of the Press and to the rules at pages 40–42 of the College Calendar for 1929–30 ; the rules do not provide for free boarding and lodging.

11-15 a.m. Mr. K. V. R. Swami :—" Will the hon. the Minister be pleased to accord facilities for poor students to get free boarding and lodging ? "

The hon. Dr. P. Subbarayan :—" I cannot give any undertaking."

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Local Boards

Exemption to local board employees for holding office in co-operative societies.

* 681 Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) the circumstances and reasons which induced Government to issue G.O. No. 3368, L. & M., dated 18th July 1929, laying down that the employees of local boards should not hold office in co-operative societies ;

(b) whether it is a fact that some employees of local boards have for the last several years been allowed to be office bearers and that they have done useful service to the co-operative movement ; and

(c) whether Government propose to provide for exemptions being granted in the case of local boards employees who are very useful to the movement ?

A.—(a) The Government Order issued on a reference from the President, District Board, Madura, and was based on the orders on the subject applicable to Government servants.

(b) One municipal council lately brought one such case to notice. Except for this, Government have no information.

(c) No, as no exemptions are permissible in the case of Government servants.

Village Panchayats

Inspection of village panchayats by Revenue Divisional Officers.

* 682 Q.—Mr. C. RAMASOMAYAJULU : Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(a) whether presidents of the village panchayats have any establishment, a servant or a clerk ;

(b) whether the Revenue Divisional Officers are instructed to inspect the records of village panchayats and, if so, for what purpose ;

(c) whether the Revenue Officers direct the presidents of the village panchayats to go with the records to their camps in other villages for inspecting the records ;

(d) whether the Revenue Divisional Officers treat the presidents with the respect due to honorary workers in public cause ; and

(e) whether the Government intend to circularize that the presidents of village panchayats are to be treated with the courtesy due to their position as honorary workers ?

A.—(a) Yes. The appendix to the report on the administration of village panchayats in 1927–28 shows that an expenditure of Rs. 3,858 has been incurred on account of the pay of clerks and servants.

(b) Yes ; for purposes of audit of panchayat accounts.

(c) As audit of panchayat accounts is conducted by Revenue Officers during their tours, it is done as near the village of the panchayat concerned as the Revenue Officer's convenience permits.

(d) It is presumed so ; Government have received no complaint so far.

(e) No.

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Mr. D. Narayana Raju :—" With reference to the answer to clause (*a*), may I know if the Government are aware that it is only a few village panchayats that engage a clerk or a servant?"

The hon. Dr. P. Subbarayan :—" It will depend, of course, on their financial resources."

Mr. D. Narayana Raju :—" Are the Government aware that a good many of the village panchayats do not engage any clerks or servants, and it is only the presidents of the panchayats that have to go with their records to the Revenue Divisional Officers?"

The hon. Dr. P. Subbarayan :—" I will have an enquiry made on this point, Sir, by the Registrar-General of Panchayats."

Medical

Alleged deputation of medical men to the hon. the Minister for Public Health.

* 683 Q.—Mr. A. B. Shetty: Will the hon. the Minister for Public Health be pleased to state—

(*a*) whether a deputation on behalf of the association of medical men in Government service waited on him at Ootacamund at the end of last May;

(*b*) what representations were made by the deputation; and

(*c*) whether the Government have taken any action in regard to them?

A.—(*a*) Yes.

(*b*) & (*c*) A copy of the proceedings of the deputation and a copy of G.O. No. 1653, P.H., dated 3rd July 1929, are laid on the table.[a]

Mr. A. B. Shetty :—" May I know if the Government have since considered the matter and come to any conclusion regarding any of the points urged by the deputation?"

The hon. Mr. S. Muthiah Mudaliyar :—" Conclusion has been come to on some points mentioned in the appendix. As regards the rest of the points, they have not been considered."

Mr. D. Narayana Raju :—" May I know, Sir, whether after the G.O. No. 1653, dated 3rd July 1929, any further steps have been taken? I mean subsequent to the Government Order?"

The hon. Mr. S. Muthiah Mudaliyar :—" As stated already, no further steps have been taken."

Mr. K. V. R. Swami :—" May I know whether the hon. Minister is going to consider the remaining points and if so, when?"

The hon. Mr. S. Muthiah Mudaliyar :—" The last and final decision of these points will be deferred until the Government receive and consider the report of the committee on medical education, as stated already in the answer."

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[a] Printed as Appendix III on pages 587–589 infra.

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Public Health

Suspension of the use of chloroform Duncan Flockhart manufactured in May 1928.

*684 Q.—Mr. A. B. Shetty: Will the hon. the Minister for Public Health be pleased to state—

(*a*) whether the Government have asked their medical officers to suspend the use of chloroform Duncan Flockhart manufactured in May 1928;

(*b*) how much of this drug has been bought by the Medical Store Depot in Madras and what is the total amount paid for it;

(*c*) what quantity of it has been supplied to the local board and municipal hospitals in this province;

(*d*) whether the Government have recovered from the supplier of this drug the cost of the drug left unused;

(*e*) whether they have refunded to the local bodies the loss incurred by them on account of suspending the use of this chloroform;

(*f*) whether any other drug got by the Medical Store Depot has been similarly reported on adversely; and

(*g*) how Government propose to test the purity of the drugs they get hereafter so as to prevent loss to themselves and danger to the public?

A.—(*a*) At the instance of the officer in charge of the Medical Store Depot, Madras, Medical Officers to whom the chloroform in question was issued were asked to suspend its use.

(*b*) The Government have no information.

(*c*) About 424 lbs.

(*d*) This is a matter for the Government of India who control the Medical Store Depot.

(*e*) No. The quantity remaining unexpended at the time of suspension will be replaced by fresh chloroform by the Medical Store Depot, Madras, free of cost.

(*f*) Yes; Aether and Novarsenobenzil of different strengths.

(*g*) Supplies received through the India Store Department, London, are carefully tested and declared fit for use before shipment and on receipt in the Medical Store Depot they are stored in the cold storage room to prevent deterioration. Drugs that are likely to be affected by climatic conditions are periodically tested at the Medical Store Depot and no drug is issued unless its purity is ensured. No further tests are necessary or proposed.

Mr. A. B. Shetty:—"With reference to clause (*b*), may I know if the Madras Government have made any representation to the Government of India on this matter?"

The hon. Mr. S. Muthiah Mudaliyar:—"There is no necessity for the Madras Government to make any representation. The Medical Stores Department themselves took the necessary action."

Mr. A. B. Shetty:—"With reference to clause (*e*) of the answer, may I know at whose cost the quantity remaining unexpended will be replaced?"

The hon. Mr. S. Muthiah Mudaliyar:—"Probably at the cost of the Government of India or the manufacturer. We are not concerned with that."

Mr. D. NARAYANA RAJU :—" With reference to clause (c) of the answer, may I know what is the cost of the 424 lbs. that have been supplied to local fund and municipal hospitals ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" I have no idea of the cost. But they will take back an equal quantity of fresh drug."

Mr. D. NARAYANA RAJU : —" With reference to clause (g), there is the statement to the effect that supplies received through the Indian Stores Department, London, are carefully tested and declared fit for use before shipment. In that case, may I know why this drug came to be condemned afterwards ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" Evidently there was some mistake in testing at first. It was discovered soon afterwards and the drug was called back."

Mr. D. NARAYANA RAJU :—" May I know what steps are being taken to see that such mistakes do not recur ? "

The hon. Mr. S. MUTHIAH MUDALIYAR :—" The officer in charge will probably be advised to be more careful hereafter."

Agriculture

Introduction of agricultural instruction in the schools at Sullia and Bellare.

*685 Q.—Mr. A. B. SHETTY : Will the hon. the Minister for Development be pleased to state—

(a) whether the Taluk Board President of Puttur in South Kanara has made a proposal to the Director of Agriculture about introducing agricultural instruction in two of his higher elementary schools at Sullia and Bellare, and if so, when ;

(b) whether this proposal was placed before any committee and whether the committee has given any opinion about it ;

(c) whether the Director has considered this matter and made any recommendations to the Government ;

(d) whether any final reply has been sent about this matter to the Taluk Board President ; and

(e) whether the Government have come to any decision regarding the question of agricultural instruction in elementary or secondary schools ?

A.—(a) & (b) The President, Taluk Board, Puttur, addressed the Director of Agriculture in October 1927 regarding the introduction of agricultural education in higher elementary schools. The proposal was laid before the committee appointed by the Director of Public Instruction to report on the general question of the introduction of agriculture into such schools. The report of the committee is awaited.

(c) No action has been taken pending the report of the committee.

(d) No.

(e) The committee's report is awaited.

Mr. A. B. SHETTY :—" May I know when this matter will be decided ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" As soon as the report is received."

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Mr. A. B. Shetty :—" May I know why the committee has not yet sent its report on this matter ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" That I cannot say."

Mr. K. Koti Redli :—" May I know why an answer was not sent to the president of the taluk board just to inform him whether steps are being taken ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" The matter is still under consideration."

Mr. K. Koti Reddi :—" But still, may I know if it is not at least a matter of courtesy just to reply to him that the matter will be considered after receipt of the committee's report ? "

The hon. the President :—" That is cross-examination."

Recommendations of the Agricultural Advisory Committee regarding levy of grazing fees.

*686 Q.—Mr. A. B. Shetty : Will the hon. the Minister for Development be pleased to state—

(a) whether the Agricultural Advisory Committee has made any recommendation in regard to the rates of grazing fees levied by the Forest department and the improvement of grazing facilities generally ; and

(b) if so, what action the Government propose to take in this matter ?

A.—(a) The committee has not yet arrived at any conclusions in the matter.

(b) Does not arise.

Mr. K. R. Karant :—" May I ask whether the hon Minister has inspected any reserve forests to see whether grazing has declined or increased ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" Forest is not a concern of mine, Sir. That is not under my portfolio."

Mr. K. R. Karant :—" Does not the question relate to the availability of grazing in forests ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" Yes, Sir."

Mr. K. R. Karant :—" Am I to understand that the hon. the Minister for Agriculture has nothing to do with the grazing in the reserve forests ? "

The hon. the President :—" He said that."

Proposed appointment of additional demonstrators.

*687 Q.—Mr. K. V. R. Swami : Will the hon. the Minister for Development be pleased to state—

(a) whether the Government propose to appoint more agricultural demonstrators this year ;

(b) if so, how many more ; and

(c) at what cost ?

A.—(a) & (b) The Government have sanctioned the appointment of eight demonstrators during 1929-30.

(c) The cost on account of the pay and travelling allowance of the demonstrators is Rs. 11,700 per annum.

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Mr. K. V. R. Swami :—" May I know whether the hon. Minister will recognize that the number provided is too small ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" I see it, but the only difficulty is want of qualified men."

Mr. D. Narayana Raju :—" It is stated in the answer that eight demonstrators have been sanctioned. May I know if these appointments have been actually made ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" Yes."

Mr. D. Narayana Raju :—" May I know to what districts they are posted ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" To various parts. I cannot say to what particular districts they have been posted."

Mr. K. V. R. Swami :—" Am I to understand that no hands are available ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" No qualified hands are available."

Consideration of the Agricultural Colonization scheme by the Agricultural Advisory Committee.

* 688 *Q.*—Mr. K. V. R. Swami : Will the hon. the Minister for Development be pleased to state, with reference to question No. 1924, dated 27th March 1929—

(*a*) whether the Government have placed the Agricultural Colonization scheme before the Agricultural Advisory Committee ; and

(*b*) if so, what the result is ?

A.—(*a*) No.

(*b*) Does not arise.

Mr. K. V. R. Swami :—" May I know whether the hon. Minister will refer this matter to the Advisory Committee ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" I shall examine the question."

Fisheries

Provision for Secondary training in the Fisheries Training Institute at Calicut.

* 689 *Q.*—Mr. A. B. Shetty : Will the hon. the Minister for Development be pleased to state—

(*a*) whether the Fisheries Training Institute at Calicut provides training for Secondary-grade teachers ;

(*b*) whether it is a fact that every year a large number of qualified Secondary School-Leaving Certificate candidates are applying for admission into the training institute and that they are required to undergo training provided for the Higher Elementary Grade ;

(*c*) whether the Government propose to provide Secondary-grade training also in the said training institute ;

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(*d*) whether qualified Secondary School-Leaving Certificate candidates are started after their period of training on the same salary as Secondary-grade trained teachers, though the training undergone by them is of the Higher Elementary Grade; and

(*e*) if so, whether the Education Department was consulted before the Government arrived at their decision?

A.—(*a*), (*b*) & (*c*) As an increasing number of Secondary School-Leaving Certificate holders have of late been applying for admission to the Fisheries Training Institute, Calicut, the Director of Fisheries has made tentative arrangements to provide them a suitable course of training. The question whether these arrangements should be made permanent is under the consideration of Government.

(*d*) Qualified Secondary School-Leaving Certificate candidates are given after their period of training the scale prescribed for Secondary-grade trained teachers if there is a vacancy in the Fisheries schools for teachers of that grade. If there be no vacancy, however, such teachers are given only the pay sanctioned for Higher Elementary trained teachers.

(*e*) Yes.

Industries

Development of the textile industry in Bellary district.

*690 *Q.*—Mr. A. Ranganatha Mudaliyar: Will the hon. the Minister for Development be pleased to state the steps taken for the progress of the textile industry in the Bellary district?

A.—The textile industries carried on in the Bellary district are—

(1) cotton and silk weaving and dyeing,
(2) cotton carpet weaving, and
(3) cumbly or blanket industry.

A peripatetic weaving party worked in the Bellary district in 1923–24 and 1924–25 and visited many weaving centres and introduced several weaving appliances. The action taken by Government on the recommendations of the Special Officer in respect of the industries referred to above in the Bellary district was indicated in the answers to Legislative Council questions Nos. 1339 and 155 given on 1st February 1929 and on 9th August 1929, respectively. The department also advised and assisted the Central Jail, Bellary, in the matter of obtaining and installing a woollen spinning plant at the Central Jail. Attempts were also made to popularize machine-spun yarn among cumbly weavers in the district. It was found difficult however to overcome the conservatism of the weavers in regard to the adoption of machine-spun yarn in view of the difficulty experienced by them at present in arranging for the marketing of cumblies of superior quality. The final report of the Special Officer has already been published and the improvement of the textile industry in the district will be further considered in conjunction with the development of the industry in the Presidency as a whole.

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Mr. L. K. Tulasiram :—" May I know what the several weaving appliances are which have been introduced by the peripatetic weaving party in 1923-24 ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" Notice Sir."

Mr. L. K. Tulasiram :—" May I know the reasons why they introduced a woollen spinning plant in the Bellary Central Jail ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" Because the jail authorities asked for the services of the Textile Expert and he was sent there. He assisted and advised them in the matter."

Mr. Basheer Ahmed Sayeed :—" May I know whether the 'drop box slay' is one of the appliances introduced by the peripatetic weaving party ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" Notice."

Appointment of an officer of the department as Director of Industries.

* 691 Q.—Mr. J. A. Saldanha :—Will the hon. the Minister for Development be pleased to state—

(*a*) why the recommendation of the Retrenchment Committee that the post of the Director of Industries should be held by an officer of the department and not by a Revenue Officer has not been given effect to on any occasion when a vacancy occurred ;

(*b*) whether and when Government propose to give effect to the policy recommended by the Retrenchment Committee ;

(*c*) whether there is any other department of Government in which the head of the department is appointed from outside the department ; and

(*d*) what have been the special qualifications of each of the several officers appointed as Director of Industries including the present incumbent for the post ?

A.—(*a*) & (*b*) The recommendation will be given effect to when an officer of the department of sufficient seniority and with the requisite qualifications and administrative experience is available.

(*c*) Yes.

(*d*) The attention of the hon. Member is invited to the answer to question No. 275 given on the 10th August 1929.

Mr. Basheer Ahmed Sayeed :—" May I know why the Minister did not appoint a proper technical man as director when the vacancy arose on the last occasion, so as to prevent further closing of industrial undertaking ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" The question was considered in all its aspects. We wanted to have an experienced administrator to have the department reorganized, and so we selected a man who has had administrative training and qualifications."

Mr. K. V. R. Swami :—" May I know whether the hon. Minister promised definitely that when the next vacancy occurred a new man, a technical man, would be appointed ? "

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The hon. Mr. M. R. SETURATNAM AYYAR :—" Yes. That point was duly considered, and in spite of it we had to take into consideration the actual state of things in the department, and so we appointed this man."

Mr. K. V. R. SWAMI :—" Was it the opinion of the Minister or his Secretary ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" It was the opinion of the Royal Commission on Agriculture."

Mr. L. K. TULASIRAM :—" May I know whether the Government are aware that the development of industries is very greatly hampered on account of want of a technical man as Director of Industries ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" True, but the other things also have to be taken into consideration. The man to be appointed must have the power of organization and must be a man in close touch with the districts. He must be a man of status, and must carry weight with the people. So taking all these things into consideration, we have selected this man now, and when a future occasion arises, this will be considered again."

Mr. L. K. TULASIRAM :—" May I know whether the Government are aware that there have been nearly seven Directors of Industries up to now, all non-technical men who have had no technical training at all and there is no definite continuity of policy in regard to this matter of development of industries ? "

The hon. the PRESIDENT :—" I am afraid the hon. Member is making a speech."

Mr. BASHEER AHMED SAYEED :—" May I know whether men recruited to the post of Director of Industries previous to the practice of recruitment from the provincial service were technical men and were quite capable of organization ? "

The hon. Mr. M. R. SETURATNAM AYYAR :—" They might have been."

Veterinary

Prevalence of rinderpest in South Kanara.

* 692 Q.—Mr K. R. KARANT : Will the hon. the Minister for Development be pleased to state—

(*a*) the number of deaths from rinderpest in South Kanara in each of the years 1920 to 1928 ;

(*b*) the number of cases of rinderpest in 1929 up till now in the district and the number for which serum simultaneous inoculations were done ;

(*c*) whether it is a fact that there was not a sufficient quantity of serum ;

(*d*) whether the disease is still prevalent in various parts of the district, and if so, in what parts ; and

(*e*) what steps are being taken to combat the disease ?

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A.—(*a*) A statement [a] containing the information is appended.

(*b*) 971 ; 1,315 cases were protected by the serum simultaneous method of inoculation.

(*c*) Towards the beginning of this year, the Muktesar Institute was not able to supply the requisite quantity of serum. Consequently, it was not possible to meet the requirements of the staff adequately during that period.

(*d*) Yes, in the undermentioned taluks :—

(1) Mangalore.	(4) Udipi.
(2) Kasaragod.	(5) Karkal.
(3) Puttur.	(6) Coondapoor.

(*e*) Inoculations by the serum simultaneous method are conducted by the staff of the department to combat the disease.

Sheep breeding in Hosur sheep farm.

* 693 *Q.*—Mr. K. V. R. Swami : Will the hon. the Minister for Development be pleased to state—

(*a*) whether any special breed of sheep is evolved in the Hosur sheep farm ;

(*b*) if so, what the nature of the breeding is ; and

(*c*) the number available in the farm at present?

A.—(*a*) Yes.

(*b*) To evolve a breed of white sheep, to improve the wool yield and to improve the carcass development.

(*c*) 186.

Mr. K. V. R. Swami :—" May I know whether the hon. Minister considers the number 186, as quite sufficient for the purpose ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" We are trying to improve it, Sir."

Mr. K. V. R. Swami :—" May I know for how many years they have developed this number ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" For the last two or three years."

Mr. K. V. R. Swami :—" For how many years are they going to develop for the proper number to come up ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" As early as possible."

Mr. D. Narayana Raju :—" Is the present experiment producing good results ? "

The hon. Mr. M. R. Seturatnam Ayyar :—" It is producing good results."

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[a] Printed as Appendix IV on page 590 infra.

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Local Boards

Enquiry into the damages caused to the Moir Causeway.

* 693-A *Q.*—Mr. ABDUL HAMEED KHAN : Will the hon. the Minister for Education and Local Self-Government be pleased to state, with reference to the Government communiqué dated the 23rd September 1929, on the Moir Causeway—

(*a*) the names of persons deputed by the Government to inquire into the damages to the Moir Causeway and the terms of the reference made to them ;

(*b*) whether a report was received from them ; and

(*c*) whether he will place on the table of the House the report and the conclusions of this enquiry ?

A.—(*a*) The Chief Engineer. He was asked to enquire into the matter personally and submit a detailed report.

(*b*) Yes.

(*c*) No.

Mr. ABDUL HAMEED KHAN :—" May I know from the hon. the Chief Minister who the other officers are that were asked to report on this matter ? "

The hon. Dr. P. SUBBARAYAN :—" Only the Chief Engineer."

Mr. ABDUL HAMEED KHAN :—" May I know whether the President of the District Board was also asked to report ? "

The hon. Dr. P. SUBBARAYAN :—" It is only the Chief Engineer. The Chief Engineer after going into the details of the question found that the Superintending Engineer was really responsible for cutting down the estimates."

Mr. ABDUL HAMEED KHAN :—" May I know if it was really the cutting down of the estimates that was responsible for this damage ? "

The hon. Dr. P. SUBBARAYAN :—" That is the opinion of the Chief Engineer who is competent to give advice to the Government on this point."

Mr. ABDUL HAMEED KHAN :—" May I know if the Government have taken any further steps to see whether the officer who undertook to superintend the construction with a limited amount of money was responsible for this ? "

The hon. Dr. P. SUBBARAYAN :—" As a matter of fact the District Board Engineer had to carry out the orders of the Superintending Engineer who is his superior."

Mr. ABDUL HAMEED KHAN :—" They say in answer to clause (*c*) that they won't be pleased to place the report on the table of the House. May I know the reason ? "

The hon. Dr. P. SUBBARAYAN :—" Because it is a confidential report submitted by the Chief Engineer, it will not be in the public interests to publish that report."

Mr. ABDUL HAMEED KHAN :—" May I know how it is confidential ? "

The hon. Dr. P. SUBBARAYAN :—" It is a report submitted to the Government by an officer of the Government ; it will not be in public interest to have it published."

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Mr. K. V. R. Swami :—"May I know if any Ministerial policy is involved in this?"

The hon. Dr. P. Subbarayan :—"No Ministerial policy is involved in this."

Mr. S. Satyamurti :—"May I know if it is because the report condemns a District Board President that the Government refuse to place it on the table of the House?"

The hon. Dr. P. Subbarayan :—"I absolutely deny there is any condemnation of the District Board President."

Mr. Abdul Hameed Khan :—"May I know whether in the communiqué that he has issued he has not given any reasons for the defects and whether the Chief Engineer saw to it that the District Board Engineer was not responsible for it?"

The hon. Dr. P. Subbarayan :—"I did not think it was necessary to elaborate the point."

Alleged waste of public money in respect of the construction of the Moir Causeway.

*693-B Q.—Mr. Abdul Hameed Khan: Will the hon. the Minister for Education and Local Self-Government be pleased to state—

(*a*) whether his attention has been drawn to the allegations made in the Press by Mr. C. N. Muthuranga Mudaliyar on 24th September 1929 against the Government and the District Board of Chingleput of gross mismanagement and deliberate waste of public money in respect of the construction of the Moir Causeway; and

(*b*) if so, what steps do the Government propose to take regarding the matter?

A.—(*a*) Yes.

(*b*) The matter is under consideration.

Mr. Abdul Hameed Khan :—"The Government say that the matter is under consideration. May I know what that matter is?"

The hon. Dr. P. Subbarayan :—"To see that this causeway is properly strengthened and that these damages do not recur."

Mr. Abdul Hameed Khan :—"Is it a fact that the Government have sanctioned Rs. 40,000 for this same purpose?"

The hon. Dr. P. Subbarayan :—"Notice."

Mr. Abdul Hameed Khan :—"May I know if the Government is aware that even the arch has also fallen down?"

The hon. Dr. P. Subbarayan :—"We have asked for a report and I am not sure what has happened."

Mr. Basheer Ahmed Sayeed :—"May I know if the cutting down of the estimate by the Superintending Engineer was with the approval of the then Chief Engineer?"

The hon. Dr. P. Subbarayan :—"Notice."

Mr. K. V. R. Swami :—"May I know whether any explanation was called for as to why the thing was done like that?"

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The hon. Dr. P. SUBBARAYAN :—" I am afraid the hon. Member has not paid attention to the answers. This explanation was called for long ago with regard to the falling of the Moir Causeway and the whole thing was investigated."

Mr. K. V. R. SWAMI :—" Was the officer concerned given any warning or punishment ? "

The hon. Dr. P. SUBBARAYAN :—" The Superintending Engineer has now ceased to be a Superintending Engineer."

Khan Bahadur S. K. ABDUL RAZACK SAHIB Bahadur :—" May I know why the original estimate was cut down by 50 per cent? "

The hon. Dr. P. SUBBARAYAN :—" I do not know if it was cut down by 50 per cent, but it was reduced."

[*Note.*—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II

AMENDMENTS TO STANDING ORDERS.

(i)

* The hon. the PRESIDENT :—" I have to announce that the following candidates have been duly nominated for election to the Select Committee to amend Standing Orders Nos. 22, 23 and 41 :—

(1) Mr. P. C. Venkatapathi Raju.
(2) ,, S. Satyamurti.
(3) Diwan Bahadur R. N. Arogyaswami Mudaliyar.
(4) Mr. A. B. Shetty.
(5) ,, F. E. James.
(6) The Kumara Raja of Venkatagiri.

" As the number of candidates nominated for election is equal to the number of vacancies to be filled, viz., six, I hereby declare the above-mentioned members to be duly elected under regulation II (4) of the regulations for the holding of elections by means of the single transferable vote.

" I nominate Mr. B. Muniswami Nayudu, a Member of the Panel of Chairmen, to be a Member of the Select Committee."

(ii)

* The hon. the PRESIDENT :—" The first item in the agenda is a motion by the hon. the Law Member for certain amendments to Standing Orders Nos. 2, 3, 5, 10, 14, 33, 34, 46, 49 and 64. Under Standing Order No. 76 I have now to read the draft amendments and ask whether the hon. Member has the leave of the House. The amendments have been circulated to the hon. Members of this House. Is it the wish of the House that I should read them ? (Voices : 'No, no.') I wish to know whether the hon. Member has the leave of the House. (After a pause) Since no Member objects, I take it that the hon. Member has the leave of the House. The draft amendments have now to be referred to a Select Committee. Six Members of the Select Committee have to be elected by the Council by means of the single transferable vote in accordance with the regulations framed in this behalf, the President, the Deputy President and the Advocate-General being ex-officio Members

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of the Committee. One of the Members of the Panel of Chairmen is to be nominated by me as a Member of the Committee. I fix 2 p.m. to-day as the hour within which nominations may be handed over to the Secretary.

" The hon. Diwan Bahadur M. Krishnan Nayar will move for leave to introduce the following amendments to the Standing Orders of the Madras Legislative Council :—

I

Standing Order No. 2.

For the existing Standing Order No. 2 (2), *substitute* the following :—

" 2. (2) On the termination of a session all pending notices and all pending business, except Bills which have been introduced, shall lapse."

II

For the existing proviso to sub-clause (3) of Standing Order No. 2, *substitute* the following :—

" Provided that if the member in charge of a Bill makes no motion in regard to the same during two complete sessions, the Bill shall lapse."

III

Standing Order No. 3.

For the existing Standing Order No. 3, *substitute* the following :—

" 3. (1) When, owing to the existence of any vacancy in the office of a Deputy President, the election of a Deputy President is necessary, the Governor when there is no President, or the President when there is a President, shall fix a date for the holding of the election and the Secretary shall send to every member notice of the date so fixed.

(2) At any time before 3 p.m. on the day preceding the date so fixed any member may nominate another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder and stating

(*a*) the name of the member nominated and

(*b*) that the proposer has ascertained that such member is willing to serve as Deputy President, if elected.

(3) On the date fixed for election the person presiding shall read out to the Council the names of the persons who have been duly proposed together with the names of their proposers and seconders, and if only one member has been so proposed for election, shall declare that person duly elected. If more than one person has been so proposed, the Council shall proceed to elect a Deputy President by ballot.

(4) For the purpose of clause (3) a member shall not be deemed to have been duly proposed or be entitled to vote if he and his proposer and seconder have not, before the reading out of the names by the person presiding, made the oath or affirmation, as members of the Council.

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(5) Where more than two candidates have been proposed and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates as the case may be.

(6) Where at any ballot one of three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under clause (5) the determination as between the candidates whose votes are equal of the candidate who has to be excluded shall be by drawing lots.

(7) No member who has been elected Deputy President and whose election has not been approved by the Governor shall be nominated as a candidate during the continuance of the same Council."

IV

Standing Order No. 5.

For the existing Standing Order No. 5, *substitute* the following :—

"5. (1) On days other than those allotted by the Governor for the business of non-official members of the Council the Government may arrange Government business in such order as they think fit.

(2) On days allotted by the Governor for the business of non-official members of the Council, unless any days have been allotted for any particular class of non-official business when non-official business of that class shall have precedence the arrangement of the business shall be in the following order :—

(i) Motions other than those falling under (ii) and (iii) below—hereinafter referred to as special motions ;

(ii) Motions relating to Bills ; and

(iii) Motions which are recommendations to Government —Resolutions.

(3) Motions relating to Bills other than Government Bills shall be arranged in such order as to give priority to the Bills most advanced, that is to say, in the following order :—

(i) Bills which have reached a stage at which the next motion is a motion that the Bill be passed ;

(ii) Bills for which the next stage is a motion that the Bill as reported upon by a Select Committee be taken into consideration ;

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(iii) Bills referred to a Select Committee for which the next stage is the presentation of the report of the Select Committee, or the appointment of the actual members of the Select Committee;

(iv) Bills which have been introduced but have not been proceeded with as far as the stages set out above;

(v) Bills which are to be introduced and Bills in respect of which the motion is only for leave to introduce.

(4) As among the Bills falling under each of the clauses (i), (ii) and (iii) of clause (3), the relative precedence shall be determined according to the priority of their introduction in the Council.

(5) The relative precedence (*a*) of Bills falling under (iv) and (v) of clause (3), and (*b*) of resolutions shall be determined by ballot.

(6) A separate ballot shall be held (*a*) for motions relating to Bills and (*b*) for resolutions.

(7) The ballot shall be for the names of members giving notices of motions which are eligible for discussion at the meeting in respect of which the ballot is held.

(8) Each member whose name has been drawn in the ballot shall be entitled to have entered against his name one motion of each of the classes in respect of which the ballot has been held. No member shall be entitled to have more than one such motion entered against his name. All other admitted motions of which a member has given notice and from which he could have made his choice shall be deemed to have been withdrawn.

(9) The ballot shall be held at such time as may be determined by the President and may be repeated as often as may be necessary with reference to the state of non-official business.

(10) The precedence of motions as determined by each ballot shall hold good for thirty days from the date on which the ballot is held exclusive of the day on which it is held provided that any motion which is under consideration of the Council at the time of an adjournment shall be taken as the first item of non-official business of the same class as itself on the next day available for non-official business of that class.

(11) In cases not provided for by rules or the Standing Orders, the President shall have power to determine the order of precedence of any business to be transacted at any sitting.

(12) Not more than fifteen resolutions shall be set down for any day on which resolutions are to be considered by the Council."

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V

New Standing Order No. 5-A.

After Standing Order No. 5 *insert* the following new Standing Order :—

"5-A. When a Bill which has been passed is returned by the Governor to the Council for reconsideration, it shall be entered as the first item of business after questions

(1) on the first available day for Government business if the Bill is a Government Bill;

(2) on the first available day for non-official business if the Bill is one introduced by a non-official Member."

VI

Standing Order No. 10.

Omit Standing Order No. 10.

VII

Standing Order No. 14.

For Standing Order No. 14, the following shall be *substituted*:—

"14. (1) Questions which have not been disallowed shall be entered in the list of questions for a day not earlier than seven clear days from the date on which notice thereof was received by the Secretary;

(*a*) provided that the President may with the consent of the member in charge of the department concerned order a question to be entered in the list of questions with shorter notice than seven days; and

(*b*) provided also that in case the answer to a question cannot be sent to the Secretary before the sitting of the Council immediately following the period of seven days' notice, the President may extend the time for answering the question.

(2) Questions entered in the list of questions for a day shall be called, if the time made available for questions permits, in the order in which they stand in the list, before any other business is entered upon at the meeting. All questions which are not so called with the answers thereto shall be included in the printed proceedings of the Council."

VIII

Standing Order No. 33.

In Standing Order No. 33 (2) *omit* the word 'original' occurring in this sub-clause.

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IX

Standing Order No. 34.

For the fullstop at the end of this Standing Order *substitute* a comma and add the following :—

"provided that nothing in the Standing Order shall enable a member to move that any meeting at which the general discussion of the budget or the consideration of any demand for budget grants is to take place, or such general discussion or consideration be adjourned or postponed."

X

Standing Order No. 46.

For the existing sub-clause (1) of Standing Order No. 46 *substitute* the following :—

"46. (1) Notice of a proposed amendment shall be sent to the Secretary at least three clear days before the sitting of the Council at which the Bill is to be considered provided that the President may in his discretion for sufficient cause admit an amendment with shorter notice than three days."

XI

Standing Order No. 49.

For sub-clauses (2) and (3) of Standing Order No. 49 and for the note to sub-clause (3) of the said Standing Order *substitute* the following :—

"49. (2) If any amendment other than an amendment which is verbal or of a consequential nature be made, a motion that the Bill be passed shall not be made earlier than two days from the day on which the consideration of the Bill was concluded in Council, provided that this clause shall not apply to taxation Bills."

"49. (3) On a motion that a Bill be passed no amendments except amendments which are verbal or of a consequential nature shall be made to the Bill."

XII

Standing Order No. 64.

Standing Order No. 64 shall be omitted.

XIII

Re-number the Standing Order in serial order in accordance with the foregoing alterations.

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STATEMENT OF OBJECTS AND REASONS.

In the working of the Standing Orders, several defects have been noticed from time to time. Some of these have been remedied, but others remain. On the 17th August 1929, the hon. the President convened a conference of the representatives of the various parties in the Legislative Council for the purpose of discussing them, and the draft amendments which are annexed are the result of the deliberations of that conference. The following notes will show the reason for and the effect of the amendments suggested.

NOTES ON AMENDMENTS.

Standing Order No. 2.

Sub-clause (2).

The proposed amendment to this clause is intended to make clear that on the termination of a session all pending business except Bills and all pending notices shall lapse.

Sub-clause (3).

The words in this sub-clause which empower the Council to make a special order for the continuance of a Bill in respect of which no motion has been made in Council for two complete sessions are proposed to be omitted. This power has been used only once and that too after the completion of the two years and it is desirable to remove it altogether.

Standing Order No. 3.

This Standing Order relates to the election of a Deputy President and had been made before the enactment of rule 5-A which refers to the election of President. It is desirable to amend this Standing Order so as to bring its language in a line with the language of rule 5-A. Hence the amendment.

Standing Order No. 5.

At the time when this Standing Order was made rule 6 of the Legislative Council Rules had provided that on days not allotted for non-official business, Government business shall only have precedence and thereby rendered the transaction of non-official business possible on such days if there was no Government business to get through. Under an amendment of the rule made in 1925 however, no non-official business can be transacted on days not allotted for such business except with the consent of the Local Government. The language of the existing Standing Order is inappropriate to this altered state of things. Further, a new rule 24-A which was made after the making of the Standing Order has introduced a new class of motions for which no provision for determining precedence existed in the Standing Orders. These defects are now sought to be remedied. It has been contended that the language of clause (3) of the Standing Order exempts a Bill which has just been introduced and which has never been referred to a select committee from the procedure of the ballot in case a motion is made in respect of it straightway that it be taken into consideration without being referred to a select committee. The intention of clause (3) however seems to be only to exempt Bills which have gone before a select committee from the procedure of the ballot. The draft Standing Order makes this plain. Opportunity has been taken to re-draft the whole Standing Order so as to make it clearer than before.

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New Standing Order after Standing Order No. 5.

This supplies a lacuna which now exists in the Standing Orders, as the latter contain no provision for determining the place of Bills which have been returned by His Excellency for reconsideration with or without amendments. Standing Order No. 51 provides that the point or points referred for reconsideration shall be put before the Council by the President and this makes it desirable that such Bills should have precedence over all other business after questions. This amendment seeks to bring about this result.

Standing Orders Nos. 10 *and* 14.

These amendments relate to the Standing Orders relating to questions. These Standing Orders are in several respects at variance with the existing practice, and they are sought to be so amended as to bring them in accordance with the existing practice.

Standing Order No. 33.

The expression 'Original motion' in Standing Order No. 33 (1) has given rise to a doubt whether where there has been a motion and an amendment thereto before the House and a closure has then been moved, the vote on the closure would terminate the debate only on the amendment or on the original motion also. This is now sought to be made clear by providing that it is only the debate on the amendment that will be terminated and not the original motion.

Standing Order No. 34.

A proviso is proposed to be added to the Standing Order to make it clear that the form of dilatory motion referred to in it shall not apply to any business connected with the budget or to any meeting at which such business is to be transacted.

Standing Order No. 46.

In practice, it has not been possible to insist upon the notice of ten days for amendments to Bills provided for by Standing Order No. 46. It is now proposed to reduce the period of notice from ten days to three days while retaining the discretion of the President to admit an amendment with shorter notice.

The right of a member to object to an amendment on the ground of short notice is removed as unnecessary.

Standing Order No. 49.

The necessity for providing a compulsory interval between the conclusion of the consideration of a Bill which has undergone amendment other than an amendment which is verbal or of a consequential nature, and the passing of it into law has been increasingly felt year after year and it is generally considered that such an interval would lead to greater perfection in the language of our legislation. It is accordingly sought to be provided that no motion that a Bill be passed shall be made earlier than two days from the day on which its consideration was concluded. At the same time the existing clause (3) of Standing Order No. 49 has given rise to doubts whether at the final stage of a Bill amendments of substance could be moved and whether such amendments could cover the same field as amendments moved at the stage of consideration of the Bill. It seems desirable to provide expressly that amendments at the last stage of a Bill shall be only verbal or of a consequential nature.

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Standing Order No. 64.

In view of Standing Order No. 2 (2) and of the amendments proposed to Standing Order No. 5 this Standing Order is no longer necessary. It is accordingly sought to be omitted."

III

THE MALABAR TENANCY BILL.

Clause 7.

Sub-clause (*a*).

* The hon. the PRESIDENT :—" In amendment No. 99 of the Muppil Nayar of Kavalappara item (i) was already disposed of. So he can move only items (ii) to (iv)." 11-30 a.m.

The MUPPIL NAYAR of KAVALAPPARA :—" Sir, I beg to move—

'*In line* 4, delete *the word* " *only* ".

'*In line* 4, insert *after the word* " *nuts* " *the words* " *and the minor produce such as leaves, fibre, etc.*"

'*In line* 6, substitute " *two-thirds* " *for* " *two-fifths* ".'

" The object of my amendment is to make the tenant pay also for the minor produce. It was included in the Bill that was drafted by the Raghavayya Committee, but it was omitted by the Select Committee on the present Bill. As such I propose this amendment."

Rao Bahadur M. NARAYANAN NAMBUDRIPAD :—" I second it."

Mr. MAHMUD SCHAMNAD :—" I want to move an amendment to the present amendment, and that is—

'To *substitute* " *one-half* " for " *two-thirds* ".'

" Sir, in the case of garden lands in North Malabar, the fair rent fixed is very low. In North Malabar the janmis now are actually getting a large share of the produce, viz., about 70 per cent. According to the Bill only two-fifths is allowed to the landlord. If the yield is 500 coconuts, the landlord will get only 200. It will be a real injustice if he did not get at least half the produce. We are speaking about the trees planted by the landlord and not about the improvement made by the tenants. In some cases the trees were purchased by the landlords from the tenants paying them a very liberal compensation. So it will be a great injustice if the landlord is not allowed to get at least half the produce from his produce. With these words, I move my amendment."

The motion was duly seconded.

The hon. the PRESIDENT :—" The motion of the Muppil Nayar is to substitute 'two-thirds' for 'two-fifths'. The hon. Member Mr. Schamnad wants to substitute 'one-half' for 'two-thirds'. One-half is less than two-thirds. That is my mathematics. (Laughter.) (After a pause.) I will however put the amendment to the House."

The amendment was negatived.

* The hon. the PRESIDENT :—" The amendment of the Muppil Nayar is now for consideration of the House."

* Mr. K. KRISHNAN :—" Sir, I oppose this amendment. Even before the Select Committee dealt with this question, it was scrutinized by the Raghavayya Committee and the Government. Not only that, both the tenants and the janmis were given an opportunity to discuss the merits of the Bill before the Government introduced it, and it is only after hearing all the arguments

on the side of the janmi and also on the side of the tenant as to what share each should have, this provision was incorporated in the Bill and was subsequently allowed by the Select Committee as well.

" Now, as regards the share, you will find that this two-fifths share in practice does not turn out to be two-fifths at all. Because, allowance has to be made for the loss of a great deal of the nuts which appear on the trees. At the time the Commissioner is going to inspect the property, a great many nuts whould have fallen down from the trees, and a further number would have been lost otherwise. What remains would be only three-fourths of what originally appeared on the trees, and that would come into the calculation. The Government itself has recognized this fact, so that at the time of the Government assessment, an allowance of 25 per cent is made for loss.

" Then, there is the question of upkeep of these trees. These trees have to be manured just as any other trees, and a great deal of money has to be spent to protect them and keep them in a fruit-bearing condition. That also comes out of the gross produce. Then, it should also be remembered that these trees are situated about ten or twelve miles away from the houses of the tenants, and they will have to keep a watch on them against thieves and robbers. It is for the protection of these things that the tenant has to be given a share. The Government after taking all these things into consideration, has fixed this share, and I also find that a large number of Members of this House are in favour of retaining this provision in the Bill as amended by the Select Committee. Under the circumstances, I hope the House will reject this amendment."

* Mr. K. Uppi Sahib :—" I am surprised to hear these arguments at this stage from the mouth of a gentleman who was a party to the recommendation of the Raghavayya Committee. He was aware of the conditions in Malabar, long, long before the Raghavayya Committee was appointed. He was aware of the condition of coconut trees long, long before the Raghavayya Committee went to Malabar, and he did not care then to put forward such arguments."

Mr. K. Krishnan :—" A word of personal explanation, Sir. I have given my dissenting minute to the Raghavayya Committee's Report."

* The hon. the President :—" That does not constitute personal explanation."

* Mr. K. Uppi Sahib :—" He was one of those who agreed in that report to allow the janmi of garden lands two-thirds of the gross produce in the case of trees belonging to him and one-third in the case of trees belonging to the tenant. Now, when he finds that the Government has reduced it as a result of the conference of janmis and tenants, when he finds the tenants' representatives of South Malabar have scored a point over the janmi representatives of North Malabar, by calculation according to the conditions prevailing in that part of the country, to reduce the rent to two-fifths, to come forward and say that the coconuts are falling away from the trees is really surprising to me. Now, it is the custom in North Malabar to lease the usufruct of trees even at the beginning of the year to merchants for a year or two or even for five years, and the merchants themselves will pluck the fruits and take them away. When they take the trees on usufructuary lease, they calculate all these shortages ; so also the tenants when they take a paramba on kuzhikanam. My friend says the coconuts fall away from the trees. It may be some of the flowers may fall. But when they grow into even small nuts, they do not fall as my hon. Friend on the opposite side wanted to represent to this House.

1st October 1929] [Mr. K. Uppi Sahib]

" Now, Sir, as regards this Bill, I have to say that this will reduce North Malabar to the condition described by Mr. Pate, who said ' it must result in a complete disturbance of rural economy in North Malabar.' On the other hand, the South Malabar tenants also are going to suffer by this Bill, because we are to a certain extent introducing the conditions of North Malabar into South Malabar in calculations. The North Malabar janmis are going to be ruined by this Bill. The result will be, according to my calculation, that the income of the landlords of North Malabar will be reduced by 50 per cent. So, I support this amendment."

* Mr. K. Madhavan Nayar :—" I shall say only a few words on this amendment. I am sorry that Mr. Uppi Sahib has been compelled to support this amendment which on the face of it is unreasonable. If it were half the gross produce, I could have understood him. But the claim now put forward by the janmi is for two-thirds of the gross produce. No janmi has put forward a claim to the whole of the net produce till now. They may have a right to two-thirds of the *net produce*, never two-thirds of the gross produce. It must be admitted on all hands that for digging, ploughing, fencing and watching, etc., one-fourth of the gross produce will go, and what remains will be only three-fourths, and two-thirds of this three-fourths is just half. According to this amendment, two-thirds of the gross produce or nearly the whole of the net is to be the share of the janmi. I do not know whether it can reasonably be supported by anybody. I submit that this amendment must be rejected."

* Mr. A. Achutan :—" Sir, I beg to oppose this amendment. I think that we are all agreed that fair rent ought to bear a just proportion to the interest of the janmi owning the property, as compared with the interest of the tenant. The interest of the janmi in kuzhikanam lands is very, very shadowy. The janmi must have leased to the tenant a bleak, waste land, and it is on account of the considerable labour and money spent on it by the tenant that that bleak waste land has been converted into a garden yielding fruits. Now to allow this proportion to the janmi is to deprive the kuzhikanam tenant of a considerable share of the income from the property, which he himself has created, and of which a large share should legitimately belong to him. Considering the nature of the land, the quantum of interest of the janmi is very shadowy. But for the interest taken by the kuzhikanam tenant, the property would not be worth a day's purchase. It is for that insignificant interest in the property that the janmi is now claiming to have a fair rent which is a considerable proportion of the income, and therefore I submit that the fair rent claimed is more than what is legitimately due to him."

The amendment was put and negatived.

The hon. Mr. A. Y. G. Campbell :—" Mr. President, Sir, I beg to move— 11-45 a.m.

' *In sub-clause* (2) *as re-numbered, in line* 6, for *the words* " *is not so bound to pay* " substitute *the words* " *is not bound to pay such compensation* ".'

" This is purely a verbal amendment and may be accepted by the House."

The hon. Diwan Bahadur M. Krishnan Nayar :—" I second it."

The amendment was adopted.

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Sub-clause (*b*).

Mr. K. Uppi Sahib :—" Sir, I move that—

' *In line* 1, *after the word* " *areca* " insert *the words* " *and jack* " *and after the word* " *trees* " insert *the words* " *and pepper vines where pepper is not the chief produce* "; *and*

' *In line* 3, *for the word* " *one-sixth* " *after the words* " *shall be* " substitute *the word* " *one-fifth* ".'

" Sir, I have slightly modified the amendment, omitting the words ' and mango ' which appear in the printed amendment.

" My intention in moving this is, as every one from North Malabar will admit, that pepper is a very very important item of produce in North Malabar. It is as important a produce as coconut. If you look at the statistics of exports from Tellicherry and Cannanore ports, you will find that pepper is exported more largely than copra. In North Malabar, 50 per cent of the produce is pepper. I cannot see the reason why the Government ask the janmi to forego all the share in this produce. It means that the rent will have to be reduced by 50 per cent, which may mean ruin to the janmi. It is really asking him not to receive anything out of the produce of trees on which he might have spent years of labour and large sums of money. The hon. Mr. Moir or the hon. Mr. Campbell will have to admit that all the fighting that took place in and around Tellicherry between the British and the Dutch and the Portuguese was only to establish their right to pepper trade. A provision of this kind saying that the janmi will not receive anything out of this produce is really a confiscatory provision. Among the agricultural produce of North Malabar, pepper is not an insignificant produce. Perhaps when the authors framed this Bill they had only the conditions of South Malabar in their mind. I do not see why the lands on which pepper is cultivated should be excluded. It is nothing short of confiscation to ask the janmis not to receive anything even for the trees on which they have spent large sums. So it is but fair and just that they should be allowed a share in the gardens where such trees are grown.

" Then with regard to the arecanut trees there is a distinction between North Malabar and South Malabar. I challenge any one to say whether in North Malabar there is any irrigation done for coconuts, arecanuts or pepper. Therefore I submit that at least one-fifth of the produce may be fixed. With these words I commend the amendment for the acceptance of the House."

Mr. Abdul Hameed Khan :—" I second it."

Mr. Mahmud Schamnad :—" Sir, while supporting Mr. Uppi's amendment I beg to move—

' *In line* 4, insert *the words* " *and jack fruits* " *after the word* " *nuts* ".'

" My object in moving this amendment is that as jack trees are very valuable in Malabar they must also be taken into account while calculating fair rent. I am not against mango even, but jack fruit is very valuable. I know that tenants have been giving to the landlord a portion of the rent in jack fruits also. Pepper also is a very important article. For the last four or five years pepper has risen very much in price, and it is more valuable at present than arecanut or coconut. If these things are excluded from the calculation of fair rent, it will be a great loss to the janmi and a great injustice will be done to him. This will only increase the friction between the janmi and the tenant. So I plead that pepper and jack fruits also should be included in the calculation of fair rent."

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The amendment was duly seconded.

* The hon. the PRESIDENT :—" Let me propose the question

'In line 1, after the word "*areca*" *insert* the words "*and jack*" and after the word "*trees*" insert the words "*and pepper vines where pepper is not the chief produce.*" 12 noon.

'In line 3, for the words "*one-sixth*" after the words "*shall be*" substitute the words "*one-fifth*".

'In line 4, insert the words "*and jack fruits*" after the word "*nuts*".

'I shall put each amendment by itself."

* The hon. Mr. A. Y. G. CAMPBELL :—" Sir, the Government are unable to accept any of these amendments. It is true that in the Raghavayya Committee's Bill minor produce was taken into consideration in determining fair rent. But this question was very carefully considered by the joint conference when both parties made representations on the subject and after very careful consideration, the Government decided to exclude minor produce entirely from the calculation of fair rent. It was however decided to take the omission of minor produce into consideration when fixing share of the nuts to be regarded as the fair rent; that principle has been approved by the Select Committee."

* Mr. S. ARPUDASWAMI UDAYAR :—" Sir, the hon. the Revenue Member spoke of the conference and the understanding arrived at by the parties."

The hon. Mr. A. Y. G. CAMPBELL :—" No understanding."

Mr. S. ARPUDASWAMI UDAYAR :—" First of all, Sir, I wish to draw the attention of this House to the fact that several products have been excluded. These products have a commercial value. Even the minor produce of the coconut trees has a commercial value. We know that Malabar is the seat of the famous coir industry and fibre is also exported in large quantities for the manufacture of brushes, etc. I do not attach much importance to mango trees, because they are grown. . ."

* The hon. the PRESIDENT :—" Mango trees are not mentioned in any of the amendments under consideration."

Mr. S. ARPUDASWAMI UDAYAR :—" As regards jack fruits I know that large quantities are being exported from Palghat to Trichinopoly and this is a clear proof that they have a commercial value. As regards pepper vines, even where pepper is not the principal crop, the produce is not negligible. Several trees are grown in the gardens to serve merely as props for the pepper vines to grow round as a creeper. This was not taken note of by the committee and it is, I think, the source of a real difficulty. Besides, when the landlord evicts the tenants he is bound to pay compensation according to the Malabar Tenants Improvements Act for the planting of these trees, but when he allows the tenant to continue to enjoy his land, the landlord is denied the advantage of including the produce of these trees in the calculation of fair rent. Likewise, when the landlord redeems his land, he will have to pay compensation for the pepper vines and jack trees on the land; but when the question comes of fixing the rent, he will have to eliminate all these products. Therefore here we have a provision which adversely affects only one class and that is the landowning class. That is not quite fair, Sir.

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"Again, we are now giving qualified fixity of tenure which in reality brings about a silent revolution. Hitherto the landlord be he a janmi or a kanamdar turned janmi could say: 'This is my land' whereas hereafter on account of this qualified tenure he could not say that. His proprietorship consists not in the soil, but in the dues or the goods from the products of the soil, namely, the rent and renewal fee. That is really a silent revolution we are bringing about. Proprietorship hereafter will consist not in the soil, but in the dues, in the goods, as I have said, from the products of that soil. It is true that the landlord is free to resume his lands for cultivation; but, as the Raghavayya Committee clearly say, the compensation they would have to pay would be enormous and therefore it would be very difficult to take advantage of this provision. As for the cultivator, he acquires hereditary rights, provided he regularly pays his dues.

"Sir, there is also a social reason why we should support this amendment. It is not fair to discriminate in the matter. These janmis also deserve our sympathy. The landlords are there and the tenants are there; the latter can, as they are accustomed to work in the fields and make a living, as they are inured to hard labour, work elsewhere. I have known cases of agriculturists leaving their villages when these were visited by famine, and going to other places carrying with them their agricultural instincts, and converting even jungles into smiling paradise, whereas the impecunious janmis spoken of by the Raghavayya Committee—there are large numbers of them who maintain their status as janmis but are really poor—will suffer if they are deprived of their share of the products of the soil especially now when they lose their proprietorship in the soil. They will suffer very much and will look small and sink low in the social scale. And, as the Tamil proverb says: வாழ்ந்தவன் கெட்டால் வரவோட்டுக்குக்கூட உதவ மாட்டான். It means that when a prosperous man suddenly becomes poor, he becomes absolutely unfit for anything, not having been accustomed to labour and supporting life by hard work. When a mirasidar is reduced to poverty, he will be a burden even to himself. So, on account of these social and economic reasons, I think it would be fair that in the case of jack trees and pepper vines for which the landlord is bound to pay compensation according to the provisions of the Malabar Land Improvement Act, we should say that the landlord should get a share of the produce."

* Mr. C. Gopala Menon :—"Sir, with regard to the minor produce of the land such as pepper vines and other trees, the Raghavayya Committee have laid down one-sixth of the gross produce and the amendment before the House is that one-fifth of the gross of the minor produce should be given if the yield is from the tenants' trees and one-third in the case of janmis' trees. With regard to that I may point out to this House that jack constitutes an important article of food amongst the landlords for at least four months in the year and to omit that from the provisions of this Act would be a real hardship to the owners of those trees. There are several middle class ladies in Malabar who when their husbands are dead and sons are unemployed live on the fruits of these trees for a large portion of the year and it would be a hardship and a terrible hardship to deprive them of this source of food-supply. The landlords are now getting at least a fourth of the share of this produce and I believe that it is on that ground that Mr. Muppil Nayar has given notice of an amendment that this one-fourth of the share of the minor produce should be allowed to the landlord. Under these circumstances I would submit to this House to pay some attention to this amendment and pass it so that those who are now enjoying the benefits from these trees may have the same hereafter."

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* Mr. K. KRISHNAN :—" Mr. President, I oppose this amendment. As regards the jack trees, with your permission, Sir, I propose to quote what Mr. Logan has said in this connexion : 'In regard to revenue assessment, in the case of jack trees it has not been customary to estimate the produce either gross or net except at its money value and its money value depends entirely on whether there is a market for its produce or not within reasonable distance. The fruit, from its bulkiness, is not easily carried to any great distance and it readily spoils. The money value of the produce is determined in a rough sort of way upon inspection!' So that, even at the time of assessment this was the old rule. Jack trees were not taken into account at all.

" As regards pepper also, I may say that it has not been considered for the purpose of assessing revenue according to the old system. This is what he says : 'It is unnecessary to state what the sanctioned shares of the pepper produce were as the assessment was in 1806–07 taken off the land and an export duty levied instead'. You will find therefore that in calculating assessment the produce of the jack tree and the produce of the pepper vine were never taken into consideration by the Government. Therefore in fixing the assessment the janmis have been relieved of the responsibility of paying the assessment on the income from those trees. It is not a question of relief to the tenant at all. For, these are products which do not find a market generally. No doubt pepper does find a market, but then pepper is grown in gardens specially intended for that purpose and it is only stray vines that are grown in coconut gardens that are taken into consideration.

" Now, Sir, at the time of the Raghavayya Committee Diwan Bahadur T. C. Narayana Kurup, the accredited representative of the janmis, consented to the exclusion of pepper gardens altogether from the provisions of this Bill."

* The hon. the PRESIDENT :—" I would ask the hon. Member not to raise questions about the representative character of a gentleman or otherwise. If such remarks are made a good deal of time will be wasted."

* Mr. K. KRISHNAN :—" I will avoid such expressions. At any rate he was a gentleman highly respected in Malabar He along with the rest of the members of the committee consented to the exclusion of the income from pepper where pepper was not the chief product. (Mr. Basheer Ahmed Sayeed : What is your authority ?) Because in the Raghavayya Committee's report it is not included. He has not taken exception to it in his report either. And Government also have considered that question. In the case of pepper vines their lifetime is from twenty to twenty-five years ordinarily. They begin to yield after the fifth or sixth year. They yield for some years and then fail. Now if such a fugitive cultivation as it were, is taken into calculation in fixing fair rent which is to enure for a period of twelve years, it will be a great hardship on the tenants. As regards pepper itself the proper yield is got only once in two or three years If there is heavy rain at the commencement of the monsoon the crop is ruined and again, if there is heavy rain at the end of the monsoon the crop is ruined. It will be seen therefore that this is a crop of which there is so much uncertainty that it will not be possible to fix a fair share. No doubt pepper does yield and its product is of commercial value. It is as much a produce of commercial value in South Malabar as it is in North Malabar. You will find from the scheme of the Bill that except for the purpose of raising the rent the income from pepper is not taken into calculation at all in South Malabar. There

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is no difference between kanam and kuzhikanam in the case of garden lands and it is only by an accident that the word kuzhikanam has been introduced in the definition of garden lands in North Malabar and that is the only difference between garden lands in North Malabar and South Malabar. Pepper is as much a product of North Malabar as it is of South Malabar. You will find Mr. Uppi appealing to the hon. Sir Thomas Moir and the hon. Mr. Campbell about pepper which was the chief product even during the time of the East India Company. I may as well remind them, Sir, that Calicut was first visited by Vasco De Gama for the purpose of pepper and therefore there is no use of saying that pepper is a product of North Malabar and not of South Malabar. For the purpose of this Bill there is no reason for taking any share of the produce of pepper so far as the lands in South Malabar are concerned."

* The hon. the PRESIDENT :—" This applies to the whole of Malabar."

* Mr. K. KRISHNAN :—" The question is that so far South Malabar is concerned, they are included in kanam and in kanam there is no question of raising the rent at all. It arises only when the question of giving renewal fee is considered. So far as the coconut produce of South Malabar is concerned, fair rent will come into question only when determining the renewal fee to be claimed at the end of twelve years.

12-15 p.m. " But, Sir, here it is a question of payment of rent which will inure for twelve years to come, that is to say, for every twelve years when revision takes place. I submit that this will be a hardship on the tenant of Malabar. In the case of kuzhikanam lands the tenants will have to pay for twelve years a share out of the imaginary produce which they may or may not get. I therefore strongly oppose this amendment."

Mr. P. C. VENKATAPATHI RAJU :—" I was not able to understand the reason why in fixing the fair rent Government did not include the compensation to be given to the janmis for the enjoyment of such valuable produce as pepper, etc., by the tenants. Pepper according to the clause as it stands may not be the chief produce but there is nothing in the section to show that, even though it states that one of the substantial crops, viz., vine, should be excluded in commuting the price. Of course, the Government in their anxiety to protect the tenants as much as possible might have excluded some of these valuable crops. With regard to jacks and mangoes, I submit, that there is no reason to suppose as to why they will not be taken to the market but that they will be enjoyed by the tenants themselves. But with regard to pepper hon. Members are pressing this amendment because they think that it will be utilized by the tenants themselves. I can understand the reason for the exclusion of pepper, because it is not a substantial crop. But there is nothing to prevent the tenant from growing pepper in a coconut garden. According to the definition if pepper is not the chief crop, there may be other classes of crops which can be classed as chief crops. But simply because it is not classed as a chief crop, I do not see the reason why a tenant should enjoy such a commercial crop without paying fair rent for such a crop. If the object of the Government is to do away with this unfair concentration of property under some clauses of the Bill and if the object of the Bill is to distribute the property according to present notions of justice and equity to the tenants, I cannot understand the reason why such a clause as now found in the Bill should be allowed to exist. No proper reasons are given and no equity is shown why some of the existing rights should be brushed aside without clearly understanding the serious consequences which

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may arise. Especially in cases of this kind if we show more consideration to the tenants than what is necesssary, there is a dangerous provision in the Bill according to which the landlord may get back his land for his own cultivation, thus defeating the very object with which this Bill is introduced. If you unnecessarily show too much favouritism to the tenants or brush aside the existing rights of the landlord, it would mean that the janmis or the landlords will take back their lands for their own cultivation, thus defeating the very purpose for which this Bill is introduced. In these circumstances I should very much like that some sort of equity is shown in arriving at a decision upon this difficult and thorny question."

* Mr. E. Sankaran Unni :—" I was surprised to hear that no tax is levied on jack and other trees. This is what the Settlement notification says :—' Garden land is a land which contains at least ten bearing coconut palms (or the equivalent in areca palms or jack trees) to the acre. One coconut palm is taken as the equivalent of twelve areca palms or half a jack tree.' ' Land containing less than ten bearing coconut palms (or their equivalent in areca or jack trees) to the acre and land appropriated to the growth of other fruit-trees or garden produce such as tamarind, mango, palmyra, plantains, pepper, ginger, etc., will not be treated as ' garden ' but will be assessed at the dry rates. ' Dry ' land is either occupied or unoccupied. ' Occupied dry ' is land which is under occupation continued from year to year. ' Unoccupied dry ' will be free of assessment. Dry land which is occupied (generally once in three years) for fugitive cultivation will continue to be charged only when it is cultivated.'

" Sir, apparently my hon. Friend was referring to some antiquated authoritiy which has very little to do with the present-day conditions. This is a very real grievance. In the taluk to which I belong, the Palghat taluk, all these trees are extremely valuable. It may be that in Ernad or Walluvanad or in other places where the jack trees are so abundant, the fruits are not valued so much but in my place the jack is not only valued as timber but is also valued for the fruits which it yields. It is not uncommon to see hundreds of carts passing along the roads carrying jack fruits. In fact there is a large trade going on in this commodity. So it will not do to say that it is not a valuable commodity. Last time when this question was being discussed in the Select Committee the Government said they had no information on the question as to whether the landlords were deriving any income from these fruits or whether they received jack and other things as part of the rent. To-day I am in a position to enlighten the Government so as to leave no doubt in their mind. I have got a number of documents with me. I shall refer to one of them. In this document which belongs to myself there is a provision for a supply of 50 ripe jack fruits valued at Rs. 20. There is also a provision for supplying 20 basketfuls of tamarind valued at Rs. 15 and there are several other articles to be supplied by the tenant to the landlord. The prices mentioned here are not exact values; they are nominal amounts mentioned for purposes of registration. It is not uncommon, in the taluk to which I belong and also in other taluks, to have in lease deeds provisions of this character, especially in cases where the trees belong to the landlord. I can understand the equity of the suggestion that where the trees belong to the tenant the landlord ought not to take a portion of the income although he is now getting a portion of the produce. But where the trees belong to the landlord, that is to say, where he has paid heavy compensation for those trees when evicting a former tenant, it is extremely inequitable and there is no justification whatever for depriving the landlord

of his share. He has paid for those trees and in many instances the payments are very heavy. I have got here in my hand a document belonging to myself. A large sum of money has been paid as compensation for the palmyra trees, and an income of Rs. 80 is derived from these trees. The leaves of the palmyra trees are used for thatching houses and it is a very valuable article. The income from this source is an income which belongs to the landlord and for which he has actually paid. I hope the argument that the Select Committee has considered this matter will not be repeated. I take it that we are not here merely to register the decisions of the Select Committee. Let us show our readiness to do justice to the weaker party."

* Mr. K. MADHAVAN NAYAR :—" I would be failing in my duty if I did not emphatically repudiate the claim of the janmi to the tenants' trees other than coconut and arecanut. As a matter of fact nothing is paid to the janmi where such trees belong to the tenants, especially in South Malabar with which portion I am acquainted. But with regard to the trees of janmis so far as Palghat taluk is concerned, I have come to know that they are getting rent for palmyra and jack trees. In Ernad taluk to which I belong no rent is paid for jack trees in a mixed garden and it is only in cases of coconut and arecanut trees they pay rent. In Walluvanad the same thing prevails. With regard to pepper in North Malabar so far as pepper vines belonging to janmi are concerned, he gets a portion of the produce as rent. But with regard to pepper vines belonging to the tenants, though I am told that the janmis are getting something, I am not sure about it. I submit to you, Sir, that so far as landlord's trees in Palghat taluk are concerned the tenants are paying some rent to the janmi. But in Ernad and Walluvanad they are not paying anything at all. There seems to be no general rule for the whole district and exception here and there cannot be made basis for a rule."

Mr. E. SANKARAN UNNI :—" May I draw your attention to my amendment which deals with janmis' trees. I have also given notice of another amendment. I do not know when I am to move them."

* The hon. the PRESIDENT :—" I have got both the amendments. They only relate to sub-clause (c). The hon. Member will have to wait till sub-clause (c) is taken into consideration."

* Rao Bahadur B. MUNISWAMI NAYUDU :—" Sir, you will find that so far as the relationship between the tenant and the landlord is concerned, the Bill proceeds on the basis that gross rent is taken according to the number of coconut trees or arecanut trees and the rent is ascertained and a certain share of the produce on the average of the three previous years is taken into consideration and is fixed as fair rent. There is absolutely no provision in the Bill giving the tenant the right to a remission of the rent. Although this proposal was mooted in the Select Committee it was ultimately dropped and it was decided that the tenant would have to pay whether he gets the yield or he does not get the yield. The second thing is that the proportion has been arrived at as a matter of compromise between the janmi and the tenant. Thirdly in fixing the rent for garden lands the coconut and arecanut trees were taken into consideration and not other produce such as pepper, etc., for purposes of fixing land revenue by the Government. So far as this point is concerned, very many amendments were discussed and one of them was that of my hon. Friend Mr. Karant which aimed at the tenant and the landlord sharing land revenue in equal halves and sharing the produce also in equal moieties.

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"The reason is, that under the declaration of 1803, the tenant was entitled to one-third, the janmi to one-third and the Government were entitled to get one-third. The Government share which is converted into money is very much less than what it would be according to the present market value of the produce. The advantage the Government gave, by converting the share they were entitled to into money value, was taken advantage of by the janmi. My hon. Friend Mr. Karant said that such benefit should be shared equally by the janmi and the tenant. This very House on the previous Bill of Diwan Bahadur Krishnan Nayar voted for the principle that the benefit of the Government share must go to the actual cultivator and that the cultivator should pay half the revenue. This Bill has proceeded the other way. The janmi takes two-thirds and pays revenue and the actual cultivator takes one-third. Now my janmi friends are anxious to see that the produce from pepper also should be given to them, which has not been taken into consideration by the Government in fixing the assessment. After voting for giving janmi two-thirds of the produce, we should not reopen the question. This proposition is hardly acceptable to us who are fighting for the tenants. 12-30 p.m.

"As I said, there is no provision in the Bill for remission at all. Whether there is yield or not, the tenant has to pay the rent. My hon. Friend Mr. Krishnan said that pepper is a precarious crop. If this is included in the fair rent, it will have to be paid year after year for a period of twelve years. Having regard to these facts, I submit, Sir, that this House should carefully consider this point; while the tenant is being given fixity, if you overburden him, if you do not allow remission to him in bad seasons and if you insist on the rent being given whether there is produce or not, the House will be taking away by one hand what is given by the other hand. For these reasons I oppose the motion."

* Mr. E. Sankaran Unni :—"May I know if I will be in order if I explain facts?"

* The hon. the President :—"The hon. Member will not be in order at all."

Mr. P. Anjaneyulu :—"Mr. President, Sir, it is admitted on all hands that, so far as pepper is concerned, even according to the information of my hon. Friend, Mr. Madhavan Nayar, the tenants are paying some rent where the trees belong to the janmi. The object of the amendment of my hon. Friend Mr. Uppi Sahib is twofold. One is that a certain share of the produce should go to the janmi where the trees are planted by the janmi or where the plantation is financed by the janmi. As far as that part of the amendment is concerned, I do not think there ought to be any difference of opinion. The other question is when the tenant himself has financed for the pepper vines; in that case also I am told that, according to the present conditions, one-fourth of the yield is being given to the janmi. I am in a very advantageous position not belonging either to North or South Malabar. As I see from a distance, whatever may have been the past conditions, the present conditions are, the tenant is willing and has been paying a certain proportion of this rental to the janmi. I do not see any reason why that proportion should not be kept up, even though the janmi is so powerful that he is taking rack-rent from the tenants and even though our sympathies are with the tenants. But impartially and unprejudicially as I see, when the

tenants are paying some amount of rent to the janmi, I think it is not right to say that no rent need be paid to the janmi for the pepper.

"If you look back into Indian History, the reason why the East India Company first settled in this land, was for this pepper trade; if they had anything to do with Malabar, it was for this purpose. It was for the pepper trade that the East India Company bargained with the janmis, zamindars and zamorins. Taking you back into the dim distant past, that was the history of Malabar, and the East India Company was trading in pepper in Malabar, that being a very profitable concern. I do not think it is such a precarious crop as my hon. Friend, Mr. Muniswami Nayudu, believed. Moreover, my hon. Friend, Mr. Krishnan, said 'if North Malabar is exempted, what about South Malabar? If South Malabar is exempted, what about North Malabar?' He may bring forward suitable amendments if the conditions are the same in both the parts. That is no argument to say that because this advantage is not given to one place, it should not be given to another place. My hon. Friend, Mr. Muniswami Nayudu, has been saying that pepper is a very precarious crop. I am told it is not so.

"He also said that no provision has been made for remission. If so, it is up to the hon. Member to bring forward suitable amendments to see that the interests of tenants are safeguarded and that remission is given in any particular year when there is failure of crop. For these reasons I feel it hard to wound the feelings of the janmis. I am also for the tenant. I support the amendment."

Mr. S. Satyamurti :—"I move, Sir, that the question be put."

The closure motion was put and carried.

* The hon. the President :—"The question is, in line 1, after the word 'areca' *insert* the word 'and jack'."

The amendment was declared lost.

A poll was demanded and the House divided thus :—

Ayes.

1. Mr. Mahmud Schamnad.
2. The Muppil Nayar of Kavalappara.
3. Rao Bahadur O. M. Narayanan Nambudripad.
4. Mr. E. Sankaran Unni.
5. ,, S. Arpudaswami Udayar.
6. The Raja of Kallikota.
7. Mr. Basheer Ahmed Sayeed.
8. Mr. K. Abdul Hamid Khan.
9. ,, K. Uppi Sahib.
10. ,, C. N. Muthuranga Mudaliyar.
11. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
12. The Maharaja of Pithapuram.
13. Mr. C. Gopala Menon.
14. ,, T. M. Moidoo Sahib.

Noes.

1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
2. ,, Sir Thomas Moir.
3. ,, Diwan Bahadur M. Krishnan Nayar.
4. ,, Mr. A. Y. G. Campbell.
5. ,, Mr. M. R. Seturatnam Ayyar.
6. ,, Mr. S. Muthiah Mudaliyar.
7. ,, Dr. P. Subbarayan.
8. Dr. (Mrs.) S. Muthulakshmi Reddi.
9. Mr. Hilton Brown.
10. ,, H. A. Watson.
11. ,, A. G. Leach.
12. ,, J. Gray.
13. Mr. S. V. Ramamurti.
14. ,, C. B. Cotterell.
15. ,, V. Ch. John.
16. ,, M. A. Manikkavelu Nayakar.
17. ,, Syed Tajudin Sahib.
18. ,, J. Bheemayya.
19. ,, R. Foulkes.
20. Subadar-Major S. A. Nanjappah Bahadur.
21. Mr. K. Krishnan.
22. ,, N. Siva Raj.
23. ,, M. V. Gangadhara Siva.
24. ,, V. I. Muniswami Pillai.
25. ,, S. Subrahmanya Moopanar.
26. ,, A. Achuthan.

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Noes.

27. Mr. A. J. Leech.
28. „ F. E. James.
29. „ H. F. P. Hearson.
30. „ S. N. Dorai Raja.
31. „ K. Ramachandra Padayachi.
32. Khan Bahadur P. Khalifulla Sahib Bahadur.
33. Mr. G. R. Premayya.
34. „ V. Ramjee Rao.
35. „ R. Srinivasa Ayyangar.
36. „ S. Satyamurti.
37. „ J. A. Saldanha.
38. „ L. K. Tulasiram.
39. „ K. V. R. Swami.
40. Mr. K. Madhavan Nayar.
41. „ T. Adinarayana Chettiyar.
42. Sriman Biswanath Das Mahasayo.
43. Mr. A. Kaleswara Rao.
44. „ B. Venkataratnam.
45. „ A. Ranganatha Mudaliyar.
46. „ K. P. Raman Menon.
47. „ R. Nagan Gowda.
48. „ C. R. Parthasarathi Ayyangar.
49. Rao Bahadur Sir A. P. Patro.
50. „ Dr. C. Natesa Mudaliyar.
51. Mr. Khadir Mohidin.
52. Rao Bahadur B. Muniswami Nayudu.
53. Mr. K. Sarabha Reddi.

Ayes 14. *Noes* 53.

The amendment was negatived.

* The hon. the PRESIDENT :—" The question is, in line 1 after the word 'trees' *insert* the words 'and pepper vines where pepper is not the chief produce'."

The amendment was declared lost.

A poll was demanded and the House divided thus :—

Ayes.

1. Mr. Mahmud Schamnad.
2. The Muppil Nayar of Kavalappara.
3. Rao Bahadur O. M. Narayanan Nambudripad.
4. Mr. E. Sankaran Unni.
5. „ S. Arpudaswami Udayar.
6. The Raja of Kallikota.
7. Mr. P. C. Venkatapathi Raju.
8. „ K. Koti Reddi.
9. „ R. Srinivasa Ayyangar.
10. „ C. V. Venkataramana Ayyangar.
11. „ J. A. Saldanha.
12. „ Basheer Ahmed Sayeed.
13. „ Abdul Hameed Khan.
14. Mr. K. R. Karant.
15. „ P. Anjaneyulu.
16. „ C. Obi Reddi.
17. „ A. Parasurama Rao.
18. „ T. Adinarayana Chettiyar.
19. „ Ahmed Miran Sahib.
20. „ K. Uppi Sahib.
21. „ C. N. Muthuranga Mudaliyar.
22. „ K. V. Krishnaswami Nayakar.
23. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
24. The Maharaja of Pithapuram.
25. Mr. C. Gopala Menon.
26. „ T. M. Moidoo Sahib.

Noes.

1. The hon. Khan Bahadur Sir Muhammad Usman Sahib Bahadur.
2. „ Sir Thomas Moir.
3. „ Diwan Bahadur M. Krishnan Nayar.
4. „ Mr. A. Y. G. Campbell.
5. „ Mr. M. R. Seturatnam Ayyar.
6. „ Mr. S. Muthiah Mudaliyar.
7. „ Dr. P. Subbarayan.
8. Dr. (Mrs.) S. Muthulakshmi Reddi.
9. Mr. Hilton Brown.
10. „ H. A. Watson.
11. „ A. G. Leach.
12. „ J. Gray.
13. „ S. V. Ramamurti.
14. „ C. B. Cotterell.
15. „ V. Ch. John.
16. „ M. A. Manikkavelu Nayakar.
17. „ A. B. Shetty.
18. „ J. Bheemayya.
19. „ R. Foulkes.
20. Subadar-Major A. Nanjappah Bahadur.
21. Mr. K. Krishnan.
22. „ N. Siva Raj.
23. Mr. M. V. Gangadhara Siva.
24. „ V. I. Muniswami Pillai.
25. „ S. Subrahmanya Moopanar.
26. „ A. Achuthan.
27. „ A. J. Leech.
28. „ F. E. James.
29. „ H. F. P. Hearson.
30. „ S. N. Dorai Raja.
31. „ K. Ramachandra Padayachi.
32. „ G. R. Premayya.
33. „ V. Ramjee Rao.
34. „ S. Satyamurti.
35. „ L. K. Tulasiram.
36. Sriman Biswanath Das Mahasayo.
37. Mr. A. Kaleswara Rao.
38. „ Mr. A. Ranganatha Mudaliyar.
39. „ K. P. Raman Menon.
40. „ R. Nagan Gowda.
41. „ C. R. Parthasarathi Ayyangar.
42. Rao Bahadur Sir A. P. Patro.
43. „ Dr. C. Natesa Mudaliyar.
44. Mr. Khadir Mohidin.
45. Rao Bahadur B. Muniswami Nayudu.
46. Mr. K. Sarabha Reddi.

Ayes 26. *Noes* 46.

The amendment was negatived.

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12-45 p.m. * The hon. the PRESIDENT :—" The question is, in line 3, *for* the words ' one-sixth,' *substitute* the words ' one-fifth '."

The amendment was negatived.

* The hon. the PRESIDENT :—" The next amendment is about jack fruits. I do not think it can be put, because the main motion was lost."

Sub-clause (3).

* The hon. Mr. A. Y. G. CAMPBELL :—" Mr. President, Sir, I beg to move—

> ' *that in sub-clause* (3) *as re-numbered, in lines* 5 *and* 6, *for the words " is not so bound to pay ", the words " is not bound to pay such compensation " be substituted*'

" Sir, this is only a verbal amendment, and I move it."

The hon. Mr. M. R. SETURATNAM AYYAR :—" I second the motion."

* The hon. the PRESIDENT :—" The question is that in sub-clause (3) as re-numbered, in lines 5 and 6, for the words ' is not so bound to pay ', the words ' is not bound to pay such compensation ' be substituted."

The amendment was adopted.

* The hon. the PRESIDENT :—" Of the three amendments to sub-clause (*c*), Nos. 112, 113 and 114, I select amendment No. 113."

Mr. E. SANKARAN UNNI :—" I have got another amendment to this amendment, Sir."

* The hon. the PRESIDENT :—" He may move his amendment in the amended form."

Mr. E. SANKARAN UNNI :—" Sir, my amendment to amendment No. 113 is—

> ' *to add at the end* ; ' *where the landlord has not to pay compensation under the Improvement Act at the time of eviction* '."

* The hon. the PRESIDENT :—" He has to move the whole amendment as amended by the second amendment ."

Mr. E. SANKARAN UNNI :—" Sir, my amended amendment will run as below :—

Substitute the following for the existing sub-clause (*c*) :—

> " *As regards other classes of trees, such as jack, mango, tamarind, palmyra and cashewnuts and also as regards pepper where it is not the principal crop on the land, one-fifth of the said one-third of the gross produce thereof, where the landlord has not to pay compensation, under the Improvement Act at the time of eviction.*" '

" Sir, my object in bringing forward this amendment is to distinguish the janmis' trees. . ."

* The hon. the PRESIDENT :—" The principle of this amendment has been negatived just now. If, in effect, there is any distinction between the two amendments, I have no objection to allow this."

* Mr. E. SANKARAN UNNI :—" I submit there is a distinction between the two. In the previous amendment, no distinction was made between the janmis' trees and the tenants' trees. In this amendment, what is said is ' where the landlord has not to pay compensation ', that is, where the trees belong to the janmi. In such cases, I say a portion of the produce should be given to them."

Mr. K. KRISHNAN :—" Clause (*b*) already included this item, Sir, and it has been just disposed of."

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* The hon. the PRESIDENT :—" I think this amendment is substantially identical with the one just now disposed of."

Mr. E. SANKARAN UNNI :—" I submit it is not, because there is nothing in that amendment which limited the right to janmis' trees alone."

* The hon. the PRESIDENT :—" As far as I understand, the amendment just now voted upon by the House relates to janmis' trees and to tenants' trees. Here it is intended to exclude the tenants' trees and to make it applicable to the janmis' trees alone. Both the trees were excluded by a vote of the House, and the principle of substantial identity is quite different from the principle of *res judicata*. The main intention of the House is well-known. They do not want it to be divided into classes and then to vote. In such cases, the movers of amendments have to take pretty good care to see that if they really want to take a vote of the House on a restricted amendment, they put the amendments in that form. When the more comprehensive amendment was thrown out, it means that the restricted amendment also does not find favour with the House. I therefore rule this amendment out of order."

Mr. E. SANKARAN UNNI :—" Sir, I beg to move that the following explanation be added at the end of clause 7 :—

> '*Explanation.—In the case of kuzhikanam when the tenant has advanced to the landlord a sum of money as security for rent, or as kanartham, the rent payable to the landlord by such tenant shall be the difference between the fair rent for the holding and the interest on the amount so advanced.*'

" Sir, there has been considerable difficulty, as pointed out by my hon. Friend Mr. Krishnan, in regard to this matter. In kuzhikanam lands, there is very often a kanam amount. I am anxious that because there is an amount there, it should not be regarded as a kanam, as defined in this Bill. The real difficulty is that there is no provision for deducting the interest on the kanam in the definition of the kuzhikanam in the Bill, or in the provisions contained in clause 7. Therefore, in order to obviate the unfairness that would result, I suggest this amendment, that from the fair rent for a kanam, the interest on the kanartham should be deducted and then the balance alone should be paid as rent. In that case, there will be no injustice in allowing a renewal fee also, as in the case of ordinary kushikanams. The unfortunate position is that we have defined kuzhikanam in terms which exclude a large number of cases which ought to come under the definition. I am only trying to save them. If this is not done, many of the garden lands, especially in the Calicut taluk, will be seriously endangered. As I am merely trying to obviate, by this amendment, any unfairness that might result, I hope the amendment will commend itself to the House."

The MUPPIL NAYAR OF KAVALAPPARA seconded the motion.

* Mr. K MADHAVAN NAYAR :—" Sir, I oppose this amendment. If my friend had tabled an amendment in this form i.e, that 'in the case of kuzhikanam when the tenant has advanced to the landlord a sum of money as security for rent' leaving out the words 'or as kanartham', then I would have had, for my part, no objection. But the introduction of the words 'or as kanartham' wipes away the distinction between kanam and kuzhikanam, and all garden lands where kanartham is advanced, will come under this, and all such kanams will be converted into kuzhikanam. That is a danger which should be averted. So far as the liability to pay interest on

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the advance rent paid under kuzhikanam lease is concerned, I leave it to my Friend Mr. Krishnan to make whatever observation he has to offer. I am no authority on that point. I oppose the amendment."

* The hon. Mr. A. Y G CAMPBELL :—" Mr. President, Sir, I also oppose this amendment. In the first place, it appears to me that this is not the right place to put in any such amendment as this. This chapter relates to the determination of fair rent, and this particular amendment, it seems to me, has nothing to do with the determination of fair rent. There is another chapter which deals with the payment of rent, and if this amendment has to come in anywhere at all, it should be brought in under the chapter which deals with the question as to what should be paid as rent."

* The hon. the PRESIDENT :—" If the hon. Member had pointed it out even at the beginning, I would have ruled this out as irrelevant.

" The question is to add the following explanation at the end of clause 7 :—

" *Explanation.—In the case of kuzhikanam when the tenant has advanced to the landlord a sum of money as security for rent, or as kanartham, the rent payable to the landlord by such tenant shall be the difference between the fair rent for the holding and the interest on the amount so advanced.'* "

The amendment was negatived.

The hon. the PRESIDENT :—" The question is that clause 7, as amended, shall stand part of the Bill."

The motion was adopted.

Clause 8.

* The hon. the PRESIDENT :—" Clause 8 is now for the consideration of the House."

The MUPPIL NAYAR OF KAVALAPPARA :—" Sir, I move—

'*that in line 1, the words " one-fifth of the gross produce, or " be inserted between " be " and " three ", and also the words " whichever is greater ", be added at the end* '."

* The hon. the PRESIDENT :—" The hon. Member can move only the first part; he cannot move the alternative amendment."

The MUPPIL NAYAR OF KAVALAPPARA :—" No, Sir, it is only a consequential amendment, and it is in the same clause."

The hon. the PRESIDENT :—" All right."

Rao Bahadur O. M. NARAYANAN NAMBUDRIPAD : —" Sir, I second the amendment. The custom in vogue in Walluvanad and Palghat taluks with which I am more acquainted is to levy one-fifth of the produce as the janmi's or landlord's share. Very valuable crops such as ginger, groundnut and tapioca are raised in dry lands which are assessed at a nominal rate per acre. In Malabar, assessments on dry lands are fixed without any consideration to the kind of crops that are raised on them. The rates vary from 4 annas to Rs. 2 per acre, while the income varies from Rs 50 to Rs. 300. If the mamul rate of one-fifth of the produce is considered to be extravagant, I would request the House to allow at least five times the assessment. It must be borne in mind that for purposes of calculating the renewal fee, the annual assessment has to be deducted from the fair rent, and it is only a multiple of the balance that the janmi gets. Five times the assessment is therefore the minimum that can be offered to the janmi."

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* Mr. E. SANKARAN UNNI :—" Mr. President, Sir, this is a very important amendment and it involves a serious question. I have also given notice of an amendment (No. 125) which is more or less the same as this one. Therefore, I do not wish to trouble the House again and I propose to speak at some little length on this amendment. The rate of assessment on dry lands in Malabar ranges from 4 annas to 2 rupees. On most lands, it is generally not more than a rupee, that is on lands on which crops yielding considerable profits are raised. For instance, in the taluk of Palghat, people get somewhere about Rs. 200 to Rs. 300 for groundnut and the value of such lands has therefore gone up. In the land acquisition proceedings that are now going on, Rs. 500 was paid per acre, and on the basis of that Rs. 25 was taken as the rent. Now, if this Bill is passed, the result would be that there would be a sum of Rs. 1-2-0 as the fair rent for the property, for the assessment comes to 6 annas per acre. The Government have acquired lands for the railway company that is now extending the line from Palghat to Pollachi, on the basis of the present rent, namely, Rs. 25. 1 p.m.

" Coming to another side of Malabar, that is Walayar, Government intend to acquire property for the purpose of an aerodrome and proposals have been sent up for paying compensation at the rate of Rs. 300 or Rs. 400 per acre. Let me point out another instance. There is an area of about 13 acres near the Walayar railway station, and the rent that is levied by the railway company for about 13 acres is Rs. 91, which works out at the rate of Rs. 7 per acre. The evidence collected by the Raghavayya Committee printed at page 146 of their report may be usefully referred to. There we have got an instance in point. You will find on page 146 the following :

' He holds on verumpattam seven acres of wet lands and forty acres of dry lands. The pattam for the seven acres is 450 paras and 450 bundles of straw. For the forty acres (dry) it is Rs. 208. The seven acres of wet land yield 650 paras gross a year and the 10 out of the 40 acres of dry land give him Rs. 450 worth of groundnut every year.'

" So the janmi gets somewhere about Rs. 7 per acre. When the new rule is introduced, the rent will be reduced considerably. The Government assessment is very lower and should not be taken as a criterion. Taking at random an instance from one of the amsams in the Palghat taluk, you will find that 6 annas is the rate for 2,229 acres. If the rent on this property is reduced to three times the revenue it would cause a great drop in the rent.

" There is one other important matter which the Government have to remember and that is, extensive lands have been cleared and made available for cultivation by the janmi at the instance of the Government. I have in my possession a proclamation issued by the Government, in the year 1862, asking the janmis to clear forest lands and make them available for dry cultivation on the distinct assurance that the assessment on such lands will be low. In fact, they almost gave a sort of permanent assessment of 6 annas, so that the janmis may have an inducement to clear the lands for purposes of cultivation. The janmis have spent large sums of money for clearing forests and bringing them under cultivation relying on the promise made by the Government. Now to reduce rent to three times the revenue will be to commit a breach of faith "

* The hon. Mr. A Y. G. CAMPBELL :—" Mr. President, Sir, the Government are unable to accept this amendment. The proposal of the Government is to fix fair rent. There is nothing in the argument that has been put

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forward by the supporters of this amendment to show that the landlord has done anything in respect of these dry lands or that he has taken any measures to improve their fertility, or has improved the methods of agriculture or introduced any new kind of crop. If the land is now yielding a valuable crop, it is due to the tenant (Mr. E. Sankaran Unni interrupted saying 'It is not so'), and it is the tenant that should have the benefit of the work and of the money which has been expended on the land by him and his predecessors. That being so, it is impossible for the Government to accept that the fair-rent should be based on the Government assessment as in the case of the dry lands."

* Mr. MAHMUD SCHAMNAD:—"Sir, this is perhaps the only provision about which there is no uncertainty and the parties need not go to the court. If this is changed as suggested by the Mover, this also will have to be settled by court. So I oppose this amendment."

The hon. the PRESIDENT:—"The question is—insert the words 'one-fifth of the gross produce, or' between 'be' and 'three'."

The amendment was then put and declared lost.

On a poll being demanded, the hon. the President asked those in favour of the amendment to stand up in their places. As only three or four members stood up for the amendment and a very large number against the amendment, the hon. the President declared that the amendment was negatived remarking at the same time that the demand for a poll was frivolous. The amendment was negatived.

* The hon. Mr. A. Y. G. CAMPBELL:—"I beg to move that—

'*In line 2, for the words "per year" the words "per annum" be substituted.*'"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I second the motion."

Mr. S. SATYAMURTI.—"Why, what is the difference between the two?"

* The hon. Mr. A. Y. G. CAMPBELL:—"Because 'per' is Latin and 'year' is English."

The amendment was adopted.

* The hon. the PRESIDENT:—"The question is that clause 8, as amended, shall stand part of the Bill."

The motion was adopted.

Clause 9.

* The hon. the PRESIDENT:—"Clause 9 is for the consideration of the House.

"The question is that clause 9 shall stand part of the Bill."

The motion was adopted.

New clause after clause 9.

* Mr. A. RANGANATHA MUDALIYAR:—"Mr. President, Sir, I move that the following be added as a new clause after clause 9:—

'10. (a) *In no case shall the fair rent determined under sections 5, 6 and 8 exceed two-thirds of the net produce.*

'(b) *In all cases the revenue paid by the tenant in respect of his holding shall be deducted from the fair rent and the landlord shall be entitled only to the remainder.*'

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" Sir, I do not think that in either of these provisions there is anything to which exception can be taken."

The hon. Mr. A. Y. G. CAMPBELL :—" On a point of order, Mr. President, is clause (b) in order ? "

* The hon. the PRESIDENT :—" Fair rent is determined by all the other clauses. If the Member wants to make a total deduction from the fair rent, the amount paid by the tenant will be in favour of the Government."

* The hon. Mr. A. Y. G. CAMPBELL :—" The effect of clause (b) is that the revenue payable by the tenant should be deducted from the amount payable to the landlord. The fair rent is not always payable to the landlord."

* The hon. the PRESIDENT :—" That is not a point of order. It may be rejected for bad wording."

Mr. A. RANGANATHA MUDALIYAR :—" I have no objection to move it clause by clause if it is convenient to the House. Sir, all of us have been telling that the maximum. . . ."

* The hon. the PRESIDENT :—" It is better to dispose of the whole question. I shall put both the clauses separately."

* Mr. A. RANGANATHA MUDALIYAR :—" The first part gives effect to the custom prevailing in Malabar of giving the tenant one-third of the net produce, so that this provision would secure to the tenant at least that much, however the fair rent might be calculated. In regard to the second, we have had various declarations made on behalf of the Government that the tenant shall at least have a third of the net produce left to him. If out of this the tenant is required to pay also the rent due to the Government, surely we shall not be fulfilling the pledges we have been making on their behalf. So, Sir, I move the amendment."

* The hon. the PRESIDENT :—" The motion is lost for want of a seconder."

Mr. K. V. R. SWAMI :—" No, Sir, I second it."

* The hon. the PRESIDENT :—" I have already waited sufficiently long and the hon. Member ought to have been sufficiently alert.

" The Council will now take into consideration clause 4."

Clause 4.

* The hon. the PRESIDENT :—" I think Amendment No. 60 also cannot be moved." 1-15 p.m.

Mr. K. KOTI REDDI :—" There is difference between 'harvesting' and 'reaping'. Reaping is included in harvesting, but harvesting comprises within it reaping, thrashing and other processes."

* Sriman BISWANATH DAS Mahasayo :—" I move to substitute —

'*the word* '*harvesting*' *for* '*reaping*' *in clause* 4, *sub-clause* (*b*).'

" Sir, in placing this motion before this House I beg to state that the House while discussing the question of agricultural produce have already excluded the expenses of harvesting from the operations. Unfortunately though the members meant harvesting, the word actually used was 'reaping'. Reaping does not always mean harvesting. It may be compounded with and may be interpreted to mean the process of cutting the paddy crop. What we mean by the term 'harvesting', what all the Members of this House mean, both the representatives of the janmis and the kanamdars mean is that it includes both

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cutting and threshing operations. It is to give expression to that this motion is moved and I take it that this will be accepted without much discussion. With these words I move the motion."

Mr. K. R. KARANT :—"I second it."

* The hon. Mr. A. Y. G. CAMPBELL :—"I understood first that this was only a mere verbal amendment, but it seems to me that it is not so, though it has been said that it has been moved to make the meaning clear. This clause applies to wet lands, i.e., to paddy cultivation. Harvesting may include other operations than 'reaping' and the deduction to be made is that customarily made by the payment of so many bundles to the reapers. I prefer to retain the word 'reaping.'"

* Mr. K. MADHAVAN NAYAR :—"I thought Government would accept the motion of Sriman Biswanath Das Mahasayo, because I thought what was meant by the Select Committee was harvesting. The tenant has to meet such expenditure in cutting, threshing, etc., and he must be allowed such charges. I therefore support the amendment."

* Mr. K. KOTI REDDI :—"When we voted for clauses 6, 7 and 8 we were really under the impression that 'reaping' would include a number of operations which ordinarily may not come under reaping. As a matter of fact 'harvesting' includes more operations than are included under reaping. Reaping is more or less actually cutting the crop and nothing more. I think it is the intention of the House to see that the harvesting and not merely reaping expenses are to be excluded from the net calculation, because very little is allowed to the tenant under clause 6. And if all the above operations are not included under section 4 what the tenant gets will be only a pittance and therefore I hope Government will accept this amendment. Besides, the retention of the word 'reaping' is likely to give rise to a lot of litigation."

* Mr. K. V. R. SWAMI :—"I am afraid the hon. Member for Government is under a misapprehension. It is just like the school boy saying that paddy grows on trees. The division does not take place after reaping. First of all paddy crop is reaped, then stored, then threshed and then only division takes place. All these processes are included in the word 'harvesting'. After reaping nobody will think of dividing the produce. Paddy does not mean cut crop. The hon. Member is opposing the amendment under a misapprehension. Therefore I think the word should be 'harvesting' and not 'reaping'."

* Mr. A. RANGANATHA MUDALIYAR :—"I think those who are responsible for the introduction of this word are the fit persons to answer this point, whether the term reaping means reaping proper or whether it includes threshing, etc., also. I hope Mr. Raman Menon will come forward and say what he had in his mind at that time."

*Mr. K. P. RAMAN MENON :—"I am now called upon to explain the position as to what is being done in Malabar. Now, as a matter of fact there is no threshing floor in Malabar as it obtains elsewhere. What is done is with regard to crops reaped, one sheaf of paddy is given for every 10 sheaves collected as coolie without any reference to the outturn. Threshing has to be done by the same coolies or by the cultivators themselves. In most cases the coolies themselves do threshing and after it is done they will take one-tenth as their coolie. Suppose there are 500 paras after reaping and thrashing,

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50 paras will be set apart as coolie hire. The remaining 450 paras will be regarded as the outturn, and out of it the rent is paid. There is no division whatsoever of the produce as is found in other districts. This is what happens in Malabar, and I leave it to the House to put what interpretation it likes."

* The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" What obtains in the Palghat taluk is this. Some times one bundle and sometimes even two bundles out of ten are delivered as wages. And when this is done it is the duty of the coolie to do the threshing. No additional or no separate hire is paid for threshing."

* Mr. E. SANKARAN UNNI :—" The hon. the Law Member's statement is more accurate. A proportion of the sheaves reaped is given as wages. There is nothing more to be paid for threshing."

* The hon. the PRESIDENT :—" The question is to substitute for the word 'reaping', the word 'harvesting'."

The amendment was put and declared negatived. A poll was demanded and the House divided thus :—

Ayes.

1. Mr. K. Krishnan
2. ,, N. Siva Raj.
3. ,, M. V. Gangadhara Siva.
4. ,, V. I. Muniswami Pillai.
5. ,, Mr. A. Achuthan.
6. ,, P. C. Venkatapathi Raju.
7. ,, K. Koti Reddi.
8. ,, Basheer Ahmad Sayeed.
9. ,, Abdul Hameed Khan.
10. ,, L. K. Tulasiram.
11. ,, K. V. R. Swami.
12. ,, D. Narayana Raju.
13. ,, K. R. Karant.
14. ,, K. Madhavan Nayar.
15. Mr. C. Obi Reddi.
16. ,, A. Parasurama Rao.
17. ,, Ahmad Miran.
18. Sriman Biswanath Das Mahasayo.
19. Mr. A. Kaleswara Rao.
20. ,, K. Uppi Sahib.
21. ,, M. Narayana Rao.
22. ,, K. V. Krishnaswami Nayakar.
23. ,, C. Venkatarangam Nayudu.
24. ,, B. Venkatratnam.
25. ,, C. N. Muthuranga Mudaliyar.
26. ,, A. Ranganatha Mudaliyar.
27. ,, C. R. Parthasarathi Ayyangar.

Noes.

1. The hon. Khan Bahadur Sir Mahammad Usman Sahib Bahadur.
2. ,, Sir Thomas Moir.
3. ,, Diwan Bahadur M. Krishnan Nayar.
4. ,, Mr. A. Y. G. Campbell.
5. ,, Mr. M. R Seturatnam Ayyar.
6. ,, Mr. S. Muthaiah Mudaliyar.
7. ,, Dr. P. Subbarayan.
8. Mr. Hilton Brown.
9. ,, H. A. Watson.
10. ,, A. G. Leach.
11. ,, J. Gray.
12. ,, S. V. Ramamurti.
13. ,, C. B. Cotterell.
14. ,, V. Ch. John.
15. ,, M. A. Manikkavelu Nayakar.
16. Syed Tajudin Sahib Bahadur.
17. Mr. R. Foulkes.
18. The Muppil Nayar of Kavalappara.
19. Subadar-Major S. A. Nanjappah Bahadur.
20. Rao Bahadur O. M. Narayanan Nambudripad.
21. Mr. S. Subrahmanya Moopanar.
22. ,, E. Sankaran Unni.
23. ,, S. N. Dorai Raja.
24. ,, S. Arpudaswami Udayar.
25. Raja of Kallikota.
26. Mr. K. Ramachandra Padayachi.
27. Khan Bahadur P. Khalif-ul-lah Sahib Bahadur.
28. Mr. V. Ramjee Rao.
29. ,, S. Satyamurti.
30. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
31. Mr. K. P. Raman Menon.
32. Rao Bahadur Sir A. P. Patro.
33. ,, Dr. C. Natesa Mudaliyar.
34. ,, S. Ellappa Chettiyar.
35. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
36. Khadir Mohideen Sahib Bahadur.
37. Khan Sahib T. M. Moidoo Sahib Bahadur.
38. Rao Bahadur B. Muniswami Nayudu.

Ayes 27. *Noes* 38.

The amendment was negatived.

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The hon. the PRESIDENT :—" In Mr. Ranganatha Mudaliyar's name stands a new amendment under clause 4. Apparently the hon. Member is not ready to move the amendment. If the hon. Member does not give me explanation. I don't select it.

" The House will now adjourn for lunch and re-assemble at 2-30 p.m."

After lunch (2-30 p.m.).

* Mr. A. RANGANATHA MUDALIYAR :—" Mr. President, Sir, before we adjourned for lunch you were pleased to remark that I was not ready when you called upon me to speak with respect to an amendment of which I had given notice in clause 4. The fact of the matter is that really I was not ready and I thought we were proceeding in a regular order, clause by clause. And so, when you asked me all of a sudden to move my amendment, I did not really know what clause was under consideration and what the amendment was I was asked to move. I only mention this, Sir, to show that I was not intentionally guilty of any discourtesy to you or the House in regard to this matter."

* The hon. the PRESIDENT :—" I never wanted to say that the hon. Member was discourteous to the House or to the Chair. That is one method of disposing of the amendments, that is all."

II

AMENDMENTS TO STANDING ORDERS—*cont.*

* The hon. the PRESIDENT :—" I have to announce that the following candidates have been duly nominated for election to the Select Committee to consider the amendments of the hon. the Law Member to the Standing Orders of the Council :—

(1) Mr. P. C. Venkatapathi Raju.
(2) ,, S. Satyamurti.
(3) Diwan Bahadur R. N. Arogyaswami Mudaliyar.
(4) Mr. F. E. James.
(5) Rao Bahadur Dr. C. Natesa Mudaliyar.
(6) The hon. Diwan Bahadur M. Krishnan Nayar.

" As the number of candidates nominated for election is equal to the number of vacancies to be filled, viz., six, I hereby declare the abovementioned members to be duly elected under Regulation II (4) of the Regulations for the holding of elections by means of the single transferable vote.

" I nominate Mr. J. A. Saldanha, a Member of the Panel of Chairmen, to be a Member of the Select Committee." (Hear, hear.)

III

MALABAR TENANCY BILL—*cont.*

Clause 4.

The hon. the PRESIDENT :—" The question is that clause 4 shall stand part of the Bill."

The motion was adopted.

Clause 10.

Clause 10 was then taken up for consideration.

* Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR :—" Sir, I move my motion in the amended form which runs thus :

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'*For clauses 10 to 15 substitute the following*:—

Any cultivating tenant, whether a verumpattamdar, kanamdar or kuzhi-kanamdar, who is in possession of a holding which has not been cultivated for a period of 12 years at the commencement of this Act by the land-lord thereof, may apply to the Collector to have their holding purchased from him on the following conditions:—

A. On the receipt of an application which shall be in the prescribed form, the Collector shall issue notice to the janmi, the intermediaries, if any, and all the other interested parties, determine the market value of the holding, the kanam and value of improvements due to the intermediaries and the respective interests of all parties concerned, '*and order the verumpattamdar, kanamdar or kuzhikanamdar concerned to pass a bond in favour of the janmi and other interested parties for the amount found due to each, and the Collector shall keep in his office a duplicate of such and maintain the necessary registers of such transactions*'.

B. The bond shall bear 5 per cent interest and be payable at the end of 40 years and shall also bear all the incidents and liabilities attached to the land so purchased.

C. The cultivating tenant at whose instance the land is purchased shall be liable to pay (1) the Government revenue of the holding, (2) interest at 5½ per cent for the amount for which bonds are issued under the previous sub-section and (3) such sum as when invested will in 40 years amount to the face value of the bonds so issued.

All these shall be recovered annually from the tenant concerned together with the Government revenue of the land.

D. The Collector shall issue a patta to the tenant showing the extent and particulars of the land purchased and the tenant's liabilities in respect thereof. When the bonds mature a final patta shall be issued to him or his heirs or assigns evidencing his ownership of the holding.

E. The Collector shall invest the annuity fund paid under sub-section C in the prescribed manner.

F. In arriving at the market value of the land, the Collector shall multiply by twenty, nine-tenths of the fair rent after deducting the kist payable to the Government.

2. *An appeal shall lie to the Court against the award made by the Collector under section 1*'."

* Mr. S. Satyamurti :—" On a point of order, Sir. My hon. Friend proposes an amendment to substitute some new clauses for clauses 10 to 15. Under the procedure which we are now following, you are putting, I take it, clause 10 for the consideration and the vote of the House. So, I submit that only that part of the amendment in the Bill can be moved and considered by the House which is relevant to clause 10 as it stands. I do not know what procedure you are going to follow, but unless we go into committee, I submit we cannot consider this amendment in full."

* The hon. the President :—" As far as the relevancy is concerned, what is the difference between the committee stage and the present stage ? "

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* Mr. S. SATYAMURTI :—" In committee we can discuss the question of principle. For example, the committee need not consider clause 10 alone. We can consider all the principles embodied in clauses 1 to 15, consider all the principles of the hon. Members' amendments and have a discussion on that."

* The hon. the PRESIDENT :—" What is the authority for that position ?"

* Mr. S. SATYAMURTI :—" The authority is the practice or the rule that in committee no rules of debate are observed."

* The hon. the PRESIDENT :—" As far as my reading of the Parliamentary practice goes, I do not think there is any distinction between the committee stage and the stage at which the House considers the Bill, except to the extent that in the committee the Member can speak a number of times. And when once any amendment has been fully considered by the committee and is thrown out by a large majority, the Chairman or the President need not select that amendment in the full House. This is the only difference I was able to find."

Mr. S. SATYAMURTI :—" But that is not relevant to the point I am now raising. The point I now raise is this : that all these series of amendments cannot be moved at this stage as an amendment to clause 10 which alone is now for consideration of the House."

* The hon. the PRESIDENT :—" What is the objection to one Member expressing one point of view and other members expressing other points of view ?"

* Mr. S. SATYAMURTI :—" That is why I suggested elsewhere some other procedure. In so far as the discussion of amendments here is concerned, you should confine amendments to the clauses then under discussion. My hon. Friend from South Kanara suggested with regard to fair rent one amendment and . . . "

* The hon. the PRESIDENT :—" Have I not allowed Mr. Shetty to move his amendment with regard to fair rent, i.e., that the existing rent be fair rent, before all other sections are taken up ? This is something like that. The principle of Mr. Arogyaswami Mudaliyar's amendment is that compensation shall be paid, and that compensation must be in the shape of bonds executed by the tenant. And shall I be justified in excluding the discussion of that school of thought ?"

* Mr. S. SATYAMURTI :—" I thought we were bound by certain rules of order. If you think that the moving of these amendments is in order, I delight in that procedure because I want the procedure of the House to approximate to that procedure. Under the Standing Orders to-day, there is no doubt that an amendment can be moved only to the clause for the time being under discussion."

* The hon. the PRESIDENT :—" This is substitution of one stage for another. Even so far as the principle of relevancy is concerned, I am afraid the select committee went far beyond the principles of the original Bill itself as far as this chapter is concerned. And therefore it is better not to go into the question of principles and all that."

* Mr. S. SATYAMURTI :—" I have raised the point, Sir, and it is for you to decide. If you think this is in order, I am delighted because I want this procedure to be adopted. I want your ruling now because I want to have a precedent when my turn comes next to use this procedure."

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* The hon. the PRESIDENT :—" Precedents are not binding unfortunately."

* Diwan Bahadur R. N. AROGYASWAMI MUDALIYAR:—" I move this amendment, Sir, in place of the amendment which I gave notice of in the beginning. It was my intention to get Government to issue a bond under the conditions that I have set forth. But I found, after I gave notice of the amendment, that the Government would not accept it, and it was also likely that even discussion might not be allowed on technical grounds because it is open to the Government to say that under section 80-C of the Government of India Act the amendment involves financial clauses and so the approval of the Governor will have to be obtained for it. It is for that reason, Sir, to get over the possibility of an objection being raised on that score, I have altered the original proposal of the Collector issuing bonds into one making the tenant or the person concerned to issue the bond. But I should prefer, Sir, that the Government may adopt that procedure so that instead of the tenant the Collector should come in, because that is a matter for the Government to decide.

" My reason for giving notice of this amendment, Sir, is that I consider that the Bill in the form in which it is brought up before this Council will do Malabar no good. This clause is obviously against the janmam interests; that is only one side of the question. As for the intermediaries, I do not think they will be benefited because it is a fact that rack-renting is general. It seems to me that there are very good reasons for kanamdars and intermediaries to object to the present Bill. Obviously when fair rents are fixed, rack-renting will disappear. So, I do not think the kanamdar is benefited. As for the tenant I do not see what benefit he gets because in any kind of legislation about land for the benefit of the tenant, the aim would rather be to make the tenant the proprietor of the land, instead of making it obligatory on the part of the tenant to pay a rent in perpetuity, for ever and ever. But this seems to me to be a very novel way of benefiting the tenant at all. I would apply, Sir, to any measure of land reform three tests; the reforms proposed should be sound from the economic, from the social and from the political standpoint.

" From these three standpoints, Sir, I consider that this Bill is a failure. 2-45 p.m. Take first of all, the economic side. We have three classes of people connected with land in Malabar. We have got the janmi at one end, then a series of intermediaries, and at the end, we have the cultivator. I cannot think of the soundness of any land legislation that perpetuates these intermediaries. The intermediaries must necessarily get their profits from the land, and if the land is to support not merely the janmi and the cultivator but a whole series of intermediaries, it is obvious, Sir, that it will be a source of economic waste, which it is the business of any Government to put a stop to. This Bill does not propose to do anything of the kind. And, Sir, as I said already, what is the position of the occupying tenants? It will be noticed that the Bill makes occupying tenancy obligatory, not even optional. According to the original Bill as framed on the recommendation of the Raghavayya Committee, it was left to the option of any tenant to ask for permanent occupancy. But now, this Bill makes occupying tenancy obligatory. Judged from the economic standpoint, I think such a thing is absurd. I am not aware of any land legislation anywhere in the world that seeks to perpetuate occupying tenancy. The aim of land legislation of this

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kind as attempted in all countries was to free the tenant as quickly as possible from the obligation to pay rent in perpetuity. Permanent occupancy means quite the opposite, which gives room to a large measure of economic waste. Besides, comparing the difference between occupying tenancy and peasant proprietorship, it must be obvious to hon. Members of this Council that whereas in peasant proprietorship the peasant has got sooner or later the prospect of becoming the actual owner of the land, the occupying tenant can never hope to become the owner of the land. Therefore, the peasant proprietor has every inducement to put in his best on the land, to invest money on it, to improve it and to adopt improved methods of cultivation. He does all that without the fear of having to share the benefit with others.

"Besides, Sir, there is another kind of economic waste that this Bill deliberately creates, because any one who reads through the clauses of this Bill must be staggered by the amount of interference by or the obligatory nature of reference to courts in Malabar, either by the janmi, or the kanamdar, or the cultivator. Almost every section speaks of the court, of petitions, of affidavits and so on, and there is almost no section that does not refer to the court. Everything has to go to the courts. Now, Sir, unless it is the deliberate intention of the Government, which I do not think it is, to let loose a flood of devastating litigation on this unfortunate district of Malabar, I do not see why Government is forcing the respective parties in this district to go to the court on every possible occasion. If it is going to be decided that all those things provided in this Bill are all subject to the decisions of courts of law it means a tremendous amount of economic waste. The janmi is forced to go to the court, the kanamdar is forced to go to the court and so also the cultivator, and all the expenses for litigation of this kind must come out of the land. Somebody or other must suffer on account of the particular nature of the reference to the court; it does not matter whether the janmi or the kanamdar or the cultivator goes to the court, it does not matter which party gains or which party loses. It seems to me that if all this unfortunate expenditure, which is necessitated, must come out of the land, surely the economic conditions of Malabar cannot be improved under the provisions of this Bill.

"Judged, Sir, from the social standpoint, I do not see it is going to establish or improve the social harmony among the various classes in Malabar connected with land. It will certainly embitter janmis against cultivators. It is obvious that the Government measure is most distasteful to the janmis. And in this connexion, I might express my surprise that Government had come in as a party. It is surprising to see that Government has agreed to sponsor this kind of legislation, a legislation that amounts to expropriation of a part of the janmam rights. When discussions were proceeding, Sir, on my hon. Friend Diwan Bahadur M. Krishnan Nayar's Malabar Tenancy Bill, the Government spokesman, the hon. the Finance Member, spoke as follows :—

'I can only reiterate emphatically that, in our opinion, this Bill remains a Bill essentially for expropriating the janmis in favour of a class of investors and middlemen who, as far as we know, are all capable of looking after themselves; that even if compensation for such expropriation had formed a feature of the Bill we still doubt whether any public purpose would have been served; and that we are unable to accept a measure which inflicts grave wrongs and does little if anything to remedy the evils which it is ostensibly designed to cure.'

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"I do not know what the attitude of the hon. the Finance Member now is. But I shall be surprised if he is personally a party to this somersault on the part of the Government in this matter. In making the reference to the Raghavayya Committee for a further enquiry of this question of the Malabar tenancy, the Government Order says as follows :—

'The Government's position on this question, as clearly indicated during the course of the discussion on Mr. Krishnan Nayar's Bill, has been that it is not profitable or just to go behind the decisions of courts ranging over three-quarters of a century, which have recognized the full proprietary rights of the janmi. The Government are, therefore, of opinion that any future attempt at legislation should take that right as a settled fact and proceed on the basis thereof. As a corollary to that proposition, they think that any attempt to take away the rights of the janmis, in any substantial way, whether it be by the grant of permanent occupancy rights or otherwise, should be accompanied by adequate provision for reasonable compensation being paid to the janmi.'

"Now, Sir, I should like to ask the Government how it has come about that they have given the go-by to this most salutary principle. For, I cannot imagine any Government dealing with any class of property rights except by way of affording compensation. It may be to-day, we are expropriating janmam rights, but the same unfair methods will be applied to others in the future. There is no knowing whether Government will not at some future date apply the same methods to other classes of people. I would ask Government, Sir, if they are so bankrupt of all methods of action that they cannot think of any other way of dealing with the Malabar tenancy problem except by way of expropriation of janmam rights. It is a case of robbing Peter to pay, I do not know, whom! I think only the lawyers will be benefited by the provisions of this Bill. I also consider it a very serious objection to the Bill to throw to the winds the decisions of the highest courts of our land, to cast aside the decisions of the High Court, and go back on all the solemnly given pledges in this Council and elsewhere with reference to the principle of safeguarding janmam rights. I do not represent the janmis, nor do I represent anybody. But I object to the principle that Government should have acceded to the expropriation of any kind of janmam rights without affording adequate compensation.

"Then, Sir, looking at the third standpoint, namely the political standpoint, what is it this measure is aiming to achieve? Does the land system proposed increase the stability of the social fabric, or does it buttress the structure of the State? I can imagine land legislation that would help to consolidate the position of the State. In other countries, particularly in western countries, the tendency of legislation has been towards increasing the amount of proprietary land for the obvious reason, that proprietorship in land is a help to the State, because so long as you have got a peasantry which is interested in land as its rightful owners, there is no possibility of trouble; so that all advanced legislation concerning land has aimed always at increasing peasant proprietorship. I should like to ask if Government can quote any precedent to the method that they have adopted in this Bill. Is there any precedent anywhere in the history of the world where proprietary rights have been taken away without adequate compensation?

"Personally, as far as I can see, there is no such example. But 3 p.m. considering that the tendency towards legislation in this matter has been towards increasing the proprietorship in the land, I shall quote a few figures respecting other countries. In France, half of the agricultural population were proprietors. In Ireland, out of a total of 600,000 holdings, 400,000 belong to proprietors. In Germany, while 92 million acres are cultivated

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by owners, about 30 millions are cultivated by tenants. In Denmark, 82 per cent of the land belongs to owners. In Bavaria the number of proprietors reaches the high figure of 95 per cent. And all this has been secured by legislation which gradually increased the proprietorship in land. Important legislation in this matter was brought in Germany so long ago as 1847, and as a result this beneficent legislation has led to enormous increase in the amount of proprietorship in land. In Denmark the Land Allotment Act was passed in 1899 providing for peasant proprietorship. The tenants who wanted to acquire proprietorship in land were allowed to take a loan from the State of nine-tenths of the purchase money; the repayment was to commence five years afterwards, and the loan was to be repaid in easy instalments of 3½ to 4 per cent. In Ireland (it is a country which has figured largely in the matter of land reform in the eyes of the world), under the Balfour Land Act of 1891 and the Land Act of 1896, 30 millions sterling were set apart for the land purchase, and up to date more than 200 millions sterling have been spent. I may also mention the fact that in all these countries the co-operative movement has had a large share in increasing the peasant proprietorship. There were cases where land mortgage banks and co-operative associations passed these bonds on behalf of peasants, and by co-operation of the State, they have been able to achieve remarkable results, which I have referred to a minute ago.

"Now coming to the practical application of the proposals covered by my amendment, I shall give an instance to show how in a particular case they may work. I will take for instance a land on which the annual rent is Rs. 100. At present, Sir, I do not think that in a property whose rent is Rs 100, the janmi will realize more than Rs. 80. In the Zamorin's Estate, the amount realized does not exceed 52 per cent. The amounts realized by the janmis vary. But assuming, Sir, that a janmi realizes Rs. 80 out of the 100, it leaves Rs. 20 as balance, and out of this have to be met the collection charges, litigation, amount allowed for arrears, etc. I think my assumption that the janmi gets 80 out of the 100 is a very fair one for the purpose of my argument. So that, allowing Rs. 15 for taxes the janmi would get Rs. 65. Now if we are to compensate the janmi, the capitalized value of the land, at 20 years purchase at 5 per cent, will be Rs. 1,300, and the bonds I refer to that will be passed to the tenant would be for the sum of Rs 1,300. Now, I propose that this amount should be made up by payment by the cultivator in a series of annual instalments to the janmi. The cultivator will have to pay towards capital Rs. 65, for taxes he will have to pay Rs. 15, for collection expenses Rs. 2. I propose in addition to this there should be an annual payment of Rs. 15 which would go to make an annuity fund. So it comes in all to Rs. 97, or roughly 100. It is simply a matter of calculation to find out that this annuity of Rs. 15 at compound interest would produce the sum of Rs. 1,300 in a period of 30 years. The period may be varied, the Government may put it at 40 years or 50 years. So, the system that I propose will be fair to the janmi. On one side, he will be able to realize as much or more than he will be able to realize at present. Of course, the intermediary will also get his share out of this Rs. 1,300—it may be Rs. 300 or any other figure according to the nature of the kanam rights. So that the janmi loses nothing, and the kanamdar is provided for amply, with the result that the tenant becomes in a series of years—say 30 years—proprietor of the land. It may be obvious to this House, what a difference there is between occupying tenancy and occupying

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proprietorship in a case like this. Supposing that the period of payment is 30 years, within that time he will be able to call the land his own and he will have to make no more payments of rent. He will be able to realize that all that he does and all that he puts into the land will be actually his own without anybody questioning his right or claiming a share. The object of my amendment, as I have explained already, is to prevent what I consider to be a calamity overtaking this unfortunate district of Malabar. The people of Malabar appear to be very much perturbed about it. They have been demanding some sort of legislation, and they expect Government to enact such a Bill as will satisfy all classes and interests and set at rest this long-drawn controversy about the Malabar land system. But instead of a Bill that would produce social harmony, that would prevent economic waste, that would be fair to all classes, that while providing for the cultivator will respect proprietorship in land, the Government have brought in a Bill the effect of which when passed into law will be to open the flood gates of litigation in Malabar, without doing any good to any of the three classes interested in land. I consider this Bill to be very unsatisfactory. I hope that the Government will consider my proposals. I have got no interest in any class, I do not own a bit of land in Malabar, and if I take part in this debate it is not that I have any axe to grind but because I feel that this Bill would cause immense dissatisfaction and harm to all classes. And Government will gain nothing by expropriation of the janmam rights. It will cost them nothing to give the tenants permanent proprietorship instead of giving permanent tenancy. They can legislate as easily for the one as for the other. I hope the Government would consider these proposals and bring to bear upon them its impartial judgment and consider the effects of the Bill on the district of Malabar as a whole. If the principle of my amendment is accepted it will be easy to improve upon it. I appeal to the Government once again to reconsider its position. It will be most damaging to the reputation of Government if it pronounces its blessing on a measure of this sort. I hope, Sir, the Government will take a sympathetic view of my proposals, give them the consideration that they merit and accept the amendment which I have placed before the House."

*Mr. N. Siva Raj :—" Mr. President, Sir, any proposal which in 3-15 principle or in fact helps the cultivating tenant or improves his position, p.m. however slightly, commands my support and the support of certain of my colleagues sitting on this side. (Cries of Hear, hear.) Now, this amendment which has been worded so elaborately by the ex-Minister contains a principle to which both by training and by temperament I am amenable. Sir, the mover of the amendment has dealt with the various points in his favour and I do not think I can add anything more by way of argument to support it. I am however free to express this that any legislation in the matter of agrarian re-construction ought to set before it as its ideal the improvement of the welfare of the cultivating tenants. Sir, every benefit that various persons connected with the land get by way of a share of the produce depends upon the labour and energy of the cultivating tenant and his capacity to add to the wealth of the soil. The income from the land which the janmis, the kanamdars, etc., get comes from the same source, viz., the profit which is the result of the cultivating tenants' labour. We might go further and say, Sir, that the very blood that runs in the veins of the janmi is nothing but the sweat of the cultivating tenant. (Opposition Benches: Hear, hear.) That being so, I have set before myself the ideal that in

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the matter of agrarian re-construction the cultivating tenant ought to be accorded his ancient and undoubted rights. But for certain historical events, I do not suppose that many intermediaries who are now occupying the position of superior landlords and owners, having had nothing to do with the land, would be there now. The matter is different in the case of ryotwari lands. It is only the cultivating tenant that has got anything to do with the land barring the fact that he pays a certain amount of assessment to the Government. The Indian ryot is after all a gentleman. In my opinion he is far more of a gentleman than most of the other classes into which the Indian population can be divided. He knows his responsibility. What he really wants is the satisfaction of being secure in his rights and privileges and this amendment merely seeks to secure to him as I said, his ancient and his undoubted right, namely, the possession and ownership of the lands which he is cultivating. He is, unlike the landlords, a person who is satisfied with a few acres of land, just that extent of land which will give him his means of subsistence. He is not a person who is anxious to accumulate wealth and add acre after acre of land to his possessions. He does not want to glory himself by posing as a big landlord, or zamindar or janmi. He is satisfied with that extent of land which will give him the yield that he wants for his maintenance. Now, if such a person is given the satisfaction of being the owner of the land and is assured that he would not be disturbed in the possession of it by any extraneous agency such as the janmi or the intermediaries, it will give him some enthusiasm and make him improve the methods of cultivation and add to the produce of the land. Now he is practically in a state of despair. However much he may try to improve the land, however much he may try to get the best out of the land, he is not sure that the result of his labour will be secure to him, because he is afraid that in some shape or other it will be taken away by the intermediary or the janmi. That is why I have great pleasure in seconding the amendment which has been moved by my hon. Friend Diwan Bahadur Arogyaswami Mudaliyar."

* Mr. S. Satyamurti :—"Mr. President, Sir, if I intervene so early in the debate it is because the seemingly fascinating amendment and speech of my hon. Friend, the Mover, showed that he does not want to see this Bill through. Sir, the select committee has carefully dealt with this provision and, although this Bill may not be the last word on legislation on this matter, it would confer a great blessing on the people of Malabar. (Cries of: Hear, hear.) It is because I feel that this Bill must be pushed through, I venture to oppose very humbly, yet very strongly, the amendment now before the House.

"Sir, these proposals are intended to take the place of clauses 10 to 15 of the Bill. It is therefore. up to this House, to have a conspectus of the future relationships which will exist between the cultivating tenant and his superior landlord, provided for in clauses 10 to 15 of the Bill, and compare that position with the position which my hon. Friend wants to confer on these tenants and then see which is better in the long run for the tenants. I may say at once, that I am at one with the seconder in feeling that if there is one party in Malabar which we want to support, it is the real cultivating tenant. I hold no brief for the janmi or the kanamdar. The only brief I hold is for the cultivating tenant—the real underdog in Malabar. From that point of view, I say that this is not a blessing to the cultivating tenant. I ask hon. Members of this House to mark the very important sentences in

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the speech of the hon. Mover, and I want them to draw the necessary inference therefrom. On the one hand, his heart bled for the poor cultivating tenant; and on the other, his sympathy was for the poor janmi who ought not to be deprived of his rights, and who deserved better treatment at the hands of the Government and should be compensated. Sir, the cloven hoof behind the amendment is this: that a janmi must be compensated for the deprivation of his rights and that the compensation must take the form of the full market value of the lands to be determined by the Collector, subject to an appeal to the court. The difficulty is this, that the basis of this Bill is that so far as the land is concerned, it is no man's particular property. It is God's gift to all mankind." (Laughter.)

Mr. E. Sankaran Unni:—"Will the Government accept that statement?"

Mr. S. Satyamurti:—"I quite see the excitement of my hon. Friend. He is jumping at this amendment. He wants the amendment to be accepted which will either kill the Bill, or give him the market value of the land. I hope my hon. Friends in the House will draw the necessary inference from this exhibition of enthusiasm by my hon. Friend. I am glad that he interrupted. My point is this. I say, and I repeat again, that land ought not to be the private monopoly of anybody. No doubt, we have yet not reached that stage. But this Bill is a modest attempt to so adjust the relations of those who live on the land, that the man who actually puts his labour, his energy and his time into it shall get the best or the most of it. Now, the cultivating tenant is the man who ought to get the best out of the relations which should subsist between the various men concerned in the land. Now, I ask my hon. Friend to compare and contrast the position of the cultivating tenant under the clauses of the Bill as it stands, with the position offered by my hon. Friend by means of this proposal.

"My hon. Friend was very eloquent about the devastating nature of courts of law. It is a favourite theme of everybody, which tickles all of us. Now, Sir, I want to invite the attention of the House to the last clause of this wonderful amendment which keeps us at a safe distance from courts. It says: 'An appeal shall lie to the court against the award made by the Collector under section 1.' The Suklambaradharam is itself on the eye, not on the forehead. The moment you go to the Collector to fix the market value, you start the whole series of appeals from the Collector to the court, from the court to the first appellate court and then to the Privy Council. It is a scheme which will give rise to a great deal of litigation.

"A great deal was made by my hon. Friend about human nature and the 3-30 p.m.
pathetic faith which our people have in courts of law, and he added that it was why he provided for in the amendment for an appeal being made to a court of law against the decision of the Collector. Until we change that fundamental weakness in us the only tribunal that we can trust is courts of law. We cannot advance any further, now.

"Then, Sir, looking at the economic side, my hon. Friend said that in order to escape the possible objection from the Government, he has made a provision according to which the originator would be the tenant who shall issue notice to the janmi, the intermediaries, if any, etc., and pass a bond to each of them for the amount found due to him. I want to know how the system is going to work. My hon. Friend referred, and rightly referred, to a number of other countries in the world where such a system had been

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worked, with beneficial results, and added that the same system might also be tried here as an experiment. I challenge my hon. Friend to give a single instance where the full resources of the Government were not placed behind such schemes, and whether the tenants themselves could find the money or even the security to stand behind it. Do the janmi, the kanamdar, and all others accept this system? You ask the kanamdar or the verumpattamdar to merely wait for 20 or 30 or 40 years, after the termination of which period their interest in the land will accrue. It is a point which the janmi or the kanamdar should accept. I have already said, Mr. President, that I do not agree with this proposal, and I hope the House will not agree to this, viz., that we must pay the market value to the janmis. What I suggest is that we should not really ask the Government to do this, unless my hon. Friend assures the House that the janmis, the kanamdars and the kuzhikanamdars are agreeable to accept this point. I take it that he laid stress upon the need of such a scheme, for social harmony in Malabar, as a result of the legislation which we may pass at this stage. May I ask respectfully whether he is in a position to assure us, once his scheme is accepted, that it would result in the social harmony and social concord among the people of Malabar? Can he assure this House that if his scheme is put through this House better harmony will prevail between the various parties? I have grave doubts on this matter.

"Then, Sir, this clause wants that the Collector shall issue notice to the janmi, the intermediaries, if any, and all the other interested parties, determine the market value of the holding, the kanam and value of improvements due to the intermediaries, and the respective interests of all parties concerned, and order the verumpattamdar, kanamdar or kuzhikanamdar concerned to pass a bond for the amount found due to each, etc. I am afraid it will be an intolerable burden on the unfortunate cultivating tenant that he should be asked to pay year after year for 40 years, and he is to be made liable to pay the interest at 5½ per cent for the amount for which this bond shall issue, and the Government revenue. I do not know if the cultivating tenants will be prepared to do this."

Diwan Bahadur R. N. Arogyaswami Mudaliyar:—"May I say that it is not my intention to make the tenant pay to the Government rent for the land? I merely put the rent as a charge on the income."

* Mr. S. Satyamurti:—"The idea is to charge the land. I think the liability to pay the Government revenue lies on such men, who become purchasers of the lands and who continue to be the owners of lands. I quite agree. But if my hon. Friend is not going to suggest any other means of charging, he must charge only on the lands, for the moment. Now, Sir, I do not know if the cultivating tenants of Malabar are particularly a prosperous set of people. I should be surprised if they stand the financial strain year after year. I think the cultivating tenant of Malabar will be squeezed and I should be surprised if they think they could afford to pay all these sums, even in these instalments. I think it will be cruel to ask these tenants to pay such sums.

"Sir, the scheme of the amendment does not afford any special points, and will not materially improve the lot of the tenants in Malabar. It is not a well-thought out scheme, but was sprung on the floor of this House, out of enthusiasm and out of a mere desire to bring about a solution of this very difficult and thorny problem. I ask one fundamental question. Supposing this Bill is passed into law, what will be the position of the various parties,

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if the instalments are not paid, after two or three years? How are they to be judged? The only result will be that the landlord will lose all his interest in the land".

(A voice: let the contract prevail.)

Mr. S. SATYAMURTI:—" You want to confirm these rates and keep them in force by a decision of a court of law.

" Then Sir, the other point which my hon. Friend made was that the land would be better cultivated. It is a matter for the consideration of the House. There is no limit, Mr. President, to the extent of the lands which could be so purchased by any cultivating tenant. Therefore, it simply means that when a land is cultivated by a tenant, and when he is in possession of the holding, he could go on multiplying his improvements on the land and the result will be only a new class of janmis who will squat on the land and whom you cannot displace. There is no provision for any limitation of the extent of the land to which such proposals can apply. I believe—I speak subject to correction—that when the State purchases the land it has to pay for any improvements which might have been effected by the tenant. Then the question will arise as to how much the landlord will have to pay and how much the tenants will have to forego. All these difficulties will arise and the same evil, which you are now trying to eradicate, will continue again.

" Having said so much, I may invite the attention of the House to the modest suggestions made by the Select Committee. They are not after all so drastic as to deserve being displaced by such a scheme as is proposed by the hon. Mover. What the Select Committee has recommended is that the cultiviting verumpattamdar will have fixity of tenure from the date of the passing of this Bill, and I believe that no janmi has raised his voice against this proposal. This clause was passed, without any single janmi voting against it. The rights of the cultivating verumpattamdar are provided in clauses 11 and 12 of the Bill. The grounds of eviction are very carefully set out in clause 13 of the Bill. Clause 14 provides that once a landlord takes the land for his own cultivation and leases it out to any other person on any kind of lease, etc., within six years of such eviction it shall revert back to the cultivating verumpattamdar. Then clause 15 provides for the realization of the arrears. I hope ths House will concede the soundness of the treatment of this question in a manner which is supported by high authority and by all those who have studied this question. I shall take the House to one or two concluding sentences in the concluding chapter of the Raghavayya Committee's report. That Committee consisted of men whose authority to speak on this subject nobody can question. In paragraph 141 they say:

'None can be more conscious than the members of the Committee that the proposals that they have put forward do not constitute the last word on the subject. They would even confess that some parts of their proposals may at first sight appear illusory and that some could be worked in practice only with some difficulty. But the proposals are in their opinion the best they can offer in the circumstances embodying as they do the spirit of give and take so necessary for the peaceful settlement of a problem so full of difficulties and conflicting interests.'

" I hope the House will bear in mind that this is a difficult and delicate problem. I have a great deal of sympathy with this idea of land purchase not only on the West Coast but also on the East Coast. I think we may bring pressure to bear on the Government and if the Government agree we can indicate any proposals for lands being purchased both on the East Coast

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as well as on the West Coast. In the meantime, let us deal with this problem in an expert manner and in the only manner dealt with by successive reformers and thus give security of tenure to the cultivating tenants of Malabar."

The MAHARAJA OF PITHAPURAM :—" I have great pleasure in supporting the motion before the House so ably moved by my hon. Friend, Mr. Arogyaswami Mudaliyar. The Bill as it stands seems to be confiscatory and there is no justification that the Government should be a party to such a measure. This amendment seeks to modify the severity of the Bill and also to give a chance to the tenant to become the owner of the land. I most strongly request the Government to accept this amendment and I also appeal to the House to give their hearty support to it."

* Sriman BISWANATH DAS Mahasayo :—" Mr. President, I welcome a discussion on the floor of this House on the motion so ably moved by my hon. Friend, Mr. Arogyaswami Mudaliyar. I should have been glad if the hon. Member representing the Christian constituency had circulated his views on this important question to the Members of the Select Committee instead of bringing in this amendment at this stage, which I feel I cannot accept. Sir, his speech is a severe indictment on the land revenue policy of the Government of Madras. No one would agree with him more than I, because I have been feeling ever since the day I have entered this Council that a change of policy regarding land tenure is necessary, but the angle of vision of the Government has not yet been changed and it will not be changed, so long as the present system of Government continues and so long as there is a class of intermediaries to support the structure.

3-45 p.m. " As my hon. Friend, the Member for the University Constituency has just remarked, when the Government is yours you can initiate a new policy and you may bring forward new measures. Until then we have to be contented with what little we get. The Select Committee report has not been satisfactory to us; the Members representing the janmis are not the least satisfied. Under these circumstances I think my hon. Friend, Mr. Arogyaswami Mudaliyar will do less injustice to the cultivating tenants and kanamdars if he comes forward with a separate amending Bill. I do not want to commit myself to the details regarding this amendment. I do admire the principles underlying the proposition. But the amendment will, by itself, constitute a separate Bill. He will have all my support and the support of Members of various parties in this House if he comes forward with a separate Bill. We are here to fight for the cause of the people without caring for the consequences. This Malabar Tenancy Bill has had this course for a very long period of seven years. If my hon. Friend brings forward such a Bill, there will be a universal system of tenure for the Presidency of Madras. I welcome this measure as a sound one on principle without committing myself to its details. The reason why I welcome it, is that this is the only provision which will afford real relief to the actual cultivators of the soil by converting their position of absolute subordination to that of peasant proprietors, a position which has been denied to them by the sheer course of policy adopted by the East India Company and followed by this Government. Such a course of action will meet with our approval. But if he comes forward with this amendment now, it is to deny the little which the unfortunate tenants will get by the present Bill. None of us are satisfied with the provisions of the Bill. It

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is the future generation that will have to judge how far the interests of the tenants have been safeguarded by the Members who represent the people of Malabar. Of course I do not cast any reflection on any of the hon. Members of the House who represent the interest of the verumpattamdars and the kanamdars. The dissatisfaction is there, and it will have to be judged also by the future generation. With these words I appeal to the hon. Member to withdraw his amendment and to bring forward a separate Bill if he wants to initiate a new policy of land legislation. If he does not I strongly object to this amendment though I fully support the principles contained in it without committing myself to details."

* Rao Bahadur B. MUNISWAMI NAYUDU :—" Sir, I wish the House will consider what the implications of this amendment are. It will be all right if you give them occupancy rights; make them liable to pay fair rent; keep them if they pay the rent regularly; and eject them when they do not give the rent. If my hon. Friend had suggested that in addition to what is given in clauses 10 to 15, opportunity should be given to the tenants to become proprietary peasants by purchasing the whole right in the property, such a suggestion will be reasonable. But what he states is 'Let the present state of affairs continue however unsatisfactory it may be.' By this clause we will only authorize the purchase of the rights of the janmam on behalf of the tenants who are willing and who apply for it.

" One point which my hon. Friend urged upon this House is that this legislation is confiscatory and therefore no Government should have attempted it, much less should this Government have taken up and put forward a Bill of this sort. If you look at clause (*f*) of the amendment, it says: 'in arriving at the market value of the land, the Collector shall multiply by 20 nine-tenths of the fair rent after deducting the kist payable to the Government'. If you analyse this clause which my hon. Friend wants the House to adopt, you will find that he approves of the fair rents as fixed in the Bill before the House. What does this Bill say? It proposes to give occupancy right to the tenants; it proposes to give him this right for a period of twelve years; the tenant can continue to occupy the land after that period on payment of fair rent fixed by the Act. That principle is not objected to by the hon. Mover of this amendment; he accepts the fair rent that is fixed by the Bill as a fair one. He then says that the value of the land in respect of which this occupancy right is conferred should be 20 times the fair rent. He would not go above 20 times nine-tenths of the fair rent evidently deducting the cost of collection and revenue. The Bill provides and secures for the landlord fair rent and he would be entitled to the market value thereof. He can sell his right in the open market at 20 times the rent he receives. For that no legislation is necessary. If I own a property, I can go to the market and say 'here is my property; you my purchase it.' Everybody who has property will be entitled to go to the market and say I will part with it for 20 times the fair rent. Therefore there is no question at all of confiscatory legislation being brought forward now. If my hon. Friend proceeded further and said that the market value shall be more than 20 times the fair rent, I can understand it. He accepts the fair rent fixed by the Select Committee in order to calculate the market value of the land. Therefore his amendment does not differ from the provisions of the Bill, as amended by the Select Committee.

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"The first clause of the amendment says: 'Any cultivating tenant, whether a verumpattamdar, kanamdar or kuzhikanamdar who is in possession of a holding which has not been cultivated for a period of twelve years at the commencement of this Act by the landlord thereof, may apply to the Collector to have their holding purchased from him on the following conditions.' So this provision applies to a particular class of land, i.e., land not cultivated by the landlord for a period of twelve years. If within twelve years the holding has been cultivated by the landlord, the verumpattamdar is absolutely excluded from the provisions of this Bill; he has no place and no occupancy right will be given to him. That will hit hard new tenants let into possession within twelve years before this date. Then again the hon. Member says that the cultivating tenant should pay every year the Government revenue of the holding, interest at $5\frac{1}{2}$ per cent for the amount of the bond and some portion of the bond amount. He wants that the owner of the property should take a bond from the tenant and be satisfied with getting merely the interest on the bond amount. Is it the intention of my hon. Friend that landlords in Malabar who own property should be converted into capitalists, that they should take bonds and be satisfied with getting some interest? Suppose the tenant does not pay the rent regularly; what is to be done in such a case? The amendment does not provide for such contingencies. It says 'Hereafter we will make you (janmis) capitalists; and we will give you interest.' I do not know if such a provision will be welcomed either by the janmis or by the kanamdars.

"We find, in every Tenancy Act in India, that occupancy rights are secured to the persons who actually cultivate the land and that rent is paid to the landlord year after year. This is one of the incidents which the landlord enjoys. That is an incident which the Government enjoy with regard to ryotwari land. The Government collect revenue year after year. I do not think there is any proposition now or hereafter that the Government should not collect the rent, that every ryot should become absolute owner of the land, that the Government be given a bond and that they shall recover only the interest. This is a novel method of dealing with resettlement problem. But if such a change of tenure should come, it should come not only to Malabar but to all districts, whatever the tenures may be. My hon. Friend does not want that the tenants in this country should continue paying rent for ever and permanently. We need not go to other countries; we have the Estates Land Act. We have got systems under which the landlords are the owners of the land and the ryots pay the land revenue. This is the system under which we are working. This is the system which is given in the Bill. What the Select Committee Bill says is this: the tenant shall continue to cultivate; he shall pay to the landlord proper and fair rent; if the landlord wants the land for his own purposes, let him take it; no objection. These are the three things which are provided in the Bill to which no janmi or tenant can object. The janmis have fought tooth and nail that the fair rent that is proposed to be given to them should be more. My hon. Friend does not provide for more. He accepts the fair rent as settled by the Select Committee, and he says that the market value of the land shall be 20 times the fair rent. The amendment wants to convert the janmis into money-lenders. For these reasons I oppose this amendment especially when it is in substitution of the existing clauses 10 to 15. The Government will perhaps consider the question carefully, if

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my hon. Friend suggests anything in addition to what is stated in the provisions of the Bill regarding security of tenure. If this clause is incorporated in the Bill, it will not fit in at all with the present scheme of the Bill. The other provisions of the Bill will have to be carefully looked into and consequential amendments will have to be made. As my hon. Friend, Mr. Satyamurti, suggested, what will happen supposing certain instalments are not paid? How are they to be recovered? It is said that the Collector should collect the amount. I can understand the Collector collecting land revenue on behalf of the Government. What this amendment proposes is that the Collector should be the functionary to be in charge of the bonds, and responsible for investing the annuity fund and for redeeming these bonds. Though the motives underlying this clause may be very good, the clause cannot be introduced, by way of amendment, into the present Bill. It is open to my hon. Friend to introduce a separate Bill or to agitate for effective remedies being provided for more concessions being given. To the extent to which the Government will explore these new methods and to the extent to which they will come forward with a Bill regarding creation of peasant proprietors, I shall feel most grateful to the Government. The Government should find their way to consider proposals of this sort. Again, Sir, technical objections may arise regarding the question whether the Collector shall direct every tenant to pass the bond to the landlord and the intermediary. For these reasons I strongly oppose this motion. I hope that the Council will carefully consider the matter. If the Members want the Bill to be passed, the only way in which they can do so is to vote against the amendment."

* Rao Bahadur Sir A. P. Patro :—Sir, this amendment is really worth some examination, because it is of a novel character, not because it is reasonable, or because it is of substantial merit for consideration. I do not think that the clause which is proposed for substitution for clauses 10 to 15 is an improvement. Clauses 10 to 15 in the Bill really meet the actual grievances of the verumpattamdar and the cultivating tenants of Malabar. What is complained of in Malabar and what was graphically described in the report is the insecurity of tenure, and a remedy had to be found for it while at the same time preserving the rights of the janmi. In order to give security of tenure, clause 10 lays down definitely that fixity, in other words, occupancy right is conferred upon the tenant for the first time. He is given absolute right in the holding except that he has to pay his share of rent to the landlord. That is to say, his position has been placed analogous to the position of tenants in the proprietary estates. Therefore, under the Bill as it stands, there is no complaint from any side, the tenancy is secured, the rent is secured and at the same time an additional advantage has been given to the janmi, that is, the right of re-entry in certain circumstances. Not only when the tenant fails to pay the rent, but when the janmi wants the land for his own cultivation or for cultivation by his family members, he is given the right--which does not exist under the Estates Land Act—to take back the land for such purpose. That being so, I am surprised to see the Maharaja of Pithapuram supporting this amendment. If his support is to be taken as real that the occupancy right of the ryots in permanently settled estates will also be affected—I do not know how far he will be satisfied to possess a bond instead of the land. I am afraid he will have to re-examine the whole position of the ryots under the proprietary estates also; zamindars shall be only capitalists.

4 p.m.

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"This amendment, Sir, also states that bonds should be issued for the purchase of the lands. The system of land purchase by the State has been tried in some of the continental States through land banks but was given up. If you want to have the system of nationalization of land—that also is a theory which after some time was found to be impracticable. Therefore, both the systems of land purchases which were started by some reformers have been tried and found impracticable. The nationalization of land was in the interests of the tenants, as they said, because it meant that the Government should take all the lands and distribute it equally among the tenants for the purpose of cultivation. This old theory which has not been accepted in other countries and to argue that it should be introduced in Malabar where we have already so much confusion and trouble, and to say that the Government should take up the whole responsibility seems to me that no reasonable man who is acquainted with the working of land tenures in this province can accept. If you really examine the position of the relations between the landlord and tenant in the other parts of the country, as compared with the position under the provisions of the Bill as drafted in the select committee, you will find that real heritable tenure was given to the actual cultivating ryots, while at the same time we have tried to see that the janmi and the landlords do not suffer in any way. If these provisions are substituted by the amendment of my friend, then they will not be advantageous to both the cultivating classes and the landlords; on the other hand, it will place a very heavy burden on the tenants, in that they will have to pay instalments regularly for forty years and at the same time be subject to ejectment if they fail to pay the instalments. I ask, is it a more appropriate remedy, is it more helpful to the tenants of Malabar than the provisions of the Bill as it exists? I think that a superficial examination of the provisions in this amendment, shows that it is not a practical one, nor is it intended to be useful therefore to the interests of the cultivating tenants."

Mr. K. Koti Reddi:—"Mr. President, Sir, when we find that this amendment is being supported by the representatives of both the cultivating tenants and the landowners, I believe there must be something really worth examination in it. There is really much in favour of this amendment. It would certainly have been much better if this amendment had been added as a proviso to clauses 10 to 15, so that the tenant may have the option of either purchasing the land under this amendment or retaining possession under the provision of the Bill as it is. If however the Government and the representatives of the various classes had come to an agreement on this point, it would be easy to accept this amendment. Even as it is, if this amendment is substituted for the present provisions of the Bill, the evil is not likely to be perpetuated. Mr. President, it has been said that the conditions of the tenants under this amendment will be much worse. As a matter of fact, as the hon. Member from Chittoor pointed out, the fair rent that is now allowed under this Bill has been fixed on the basis of the market value. So there is nothing really here to say that the tenant will lose under the amendment; on the other hand, he has one great advantage that after paying for forty years what he now pays under this Bill, he can claim the land as his own. The hon. Member representing the University said that the tenant is made to pay a good deal more than what he has to pay under the present provisions of the Bill. As a matter of fact, what he is now made to pay in the shape of Government revenue is being deducted under clause F of the amendment from the amount that he has to pay under clause C.

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"Then, Sir, let us take the question of the interest of 5½ per cent. Certainly if a tenant wants to purchase a piece of land, he will have to borrow money, and on the money that he so borrows, he will have to pay interest. The rate of interest that he will have to pay is fixed at 5½ per cent, the rate which is much less than the rate ordinarily payable by the classes which this amendment seeks to benefit. It might be that in some cases the tenant is made to pay the actual market value of the holding that he is going to buy; at the same time, there might be cases where the tenant may have to pay much more than what he has to under these clauses. So, basing our argument on the fair rent as fixed in the Bill, I do not see any harm in the tenant being allowed to pay 18 times the fair rent in the shape of capital. I believe that is really fair and would in all probability obviate any hardship."

* The hon. the PRESIDENT :—"Is the hon. Member going to amend this amendment by substituting eighteen for twenty times?"

Mr. K. KOTI REDDI :—"No, Sir, I am only putting it at eighteen times, as under clause F it is twenty times 9/10. It is just the same thing; I am not much of a mathematician, but as it is so simple, I thought I could refer to it as eighteen times instead of saying twenty times 9/10."

* The hon. the PRESIDENT :—"I thought you were going to move an amendment to this amendment."

Mr. K. KOTI REDDI :—"The calculation made in clause F is really fair if one wants to purchase property; and I think it is a fair solution of the problem that is now engaging our attention. It will, at any rate, certainly go a long way towards solving it. Under the Bill as it is, the position of the tenant is not quite secure. There are at present a large number of janmis who own small pieces of land and who may desire to get back their lands for purposes of their own cultivation. If the tenants under these small janmis are under the impression that on any day their holdings might be claimed back by the landlords for their own cultivation, I believe the tenants will not be interested in permanently improving the holding. Neither does the janmi gain much, because when his holding is not properly cultivated, the amount that he gets in the shape of rent would be very little. So, if an option is given to the cultivating tenant that he could purchase it, I think it would be in the interests both of the janmi and of the tenant, in that the janmi will get the capital value of the fair rent and the tenant also will get proprietary rights for what he is paying. The main point in this amendment si that instead of making the tenant purchase the land straightaway, it helps him to buy it in the course of forty years by paying regular annual instalments and it also helps the janmi to get the capital value of the rent that is now paid to him.

"Again, Sir, it has been said that this amendment is expropriating the janmam rights of the janmis. I am sorry I cannot agree with that view. If this amendment is really an expropriation, I cannot really understand how this amendment could be accepted by the representatives of the janmis here. From the fact that this amendment is accepted by the representatives of the janmis, I am led to think that the Bill cannot be an expropriating Bill. This amendment is really based on the capital value of the fair rent fixed in the Bill, and so what applies to the Bill should equally apply to the amendment now proposed. I therefore say that if the amendment is expropriating, the Bill also is expropriating.

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"With regard to the next point about litigation, it has been said that there is nothing to be said in favour of this amendment. There is however one thing in its favour and that is that there will not be perpetual litigation if this amendment is not accepted; there may be litigation and that only once, viz., when the fair rent is to be estimated. Thereafter there is not likely to be any litigation at all; whereas under the provisions of the Bill as it is, there is bound to be perpetual litigation in regard to the various clauses. So, if there is to be litigation under this amendment, it will be only once and not perpetually as in the case of the Bill as it is.

"Then, Sir, it is no doubt true that it is the aim of all modern legislation to see that the peasant, the actual cultivator takes a keen interest in the land which he cultivates, and that can only be achieved if a serious attempt is made to see that the actual cultivator is given complete ownership of the land.

4-15 p.m. "Sir, I apprehend that if once such a thing is allowed in Malabar, it should also be extended to the East Coast also, and I think we must be prepared for such a situation. There is, I understand, an attempt being made to see that the cultivators are given proprietary interests in the field which they cultivate and the amendment does not go to the extent that some hon. Members would like. All that the amendment says is to pay the market value of the holding and so long as the tenant is prepared to pay the market value, why not give him the proprietorship. So far as the tenant classes are concerned, I do not see that they are worse off under the Bill.

"Then, my hon. Friend from Ganjam said that we are now trying to introduce some old theories which have been tried and found wanting." (A voice from the Opposition: 'No, that is not what he said.')

*The hon. the PRESIDENT:—"There are two hon. Members from Ganjam."

Mr. K. KOTI REDDI:—"I refer to my hon. Friend, Sir Patro. My reading of history may be different, but all the attempts that are now being made in Ireland and in some continental countries are for dividing the lands and to see that the land is not enjoyed by a few people alone.

"Another objection that has been pointed out against this amendment is that the tenant is made to pay rent for 40 years, and I believe, by this they will certainly be in a better position that the position in which they are now, namely, that the tenant is made to pay fair rent perpetually for ever.

"The other objection brought forward against this amendment is that the tenant is not allowed to purchase the land. It is probably more serious. I think, in Western countries, it is the State that has really an interest and that is the idea underlying these land purchases and in addition to this there are associations or co-operative societies to help the tenants in the matter of purchase. As the hon. Mover has pointed out that there may be difficulty in obtaining the consent of the Government of India as they have financial interests in these things, if the Government is really agreeable to the position, they might bring in suitable amendments to take up the whole responsibility on themselves; this House would not be against it. And, if the Government is not prepared to take up that responsibility, I do not see any reason why the responsibility that is sought to be shouldered by the tenants concerned,

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should not be taken by them. Why, there is always the land and there is the amount that has to be paid under the bond. I should think that is more than enough. So, I contend that the position under this amendment will certainly be much better for the tenant than the position under the Bill. After all if the tenant thinks that his position under this amendment is much better, he can certainly come under it and purchase the land.

" As I already suggested, it would have been much better if this were moved as a proviso, so that the tenant may have occupancy rights and may also have the option of purchase under this amendment. I think the House will agree to such a proviso being introduced in substitution of this clause. Apart from that, and even if such a thing is not agreeable, I believe the substitution of this amendment would certainly be better in the interests of the tenants. The representatives of the janmis are themselves agreeable to this and so there would not be any hardship on the part of the janmis concerned. So, the only class that is likely to be affected by this amendment is the kanamdars and since the kanamdars have got their interest in the kanam paid by the bond, although they need not have the satisfaction of owning the land, except the cultivating kanamdars, I do not think it would be considered as a real hardship, seeing that for centuries and for decades, their position under the Malabar law is not as owners of land."

* Mr. J. A. SALDANHA :—" Sir, I would support this amendment only on principle . . ."

* The hon. the PRESIDENT :—" We are going to vote on the amendment and not on the principle."

* Mr. J. A. SALDANHA :—" If it is the wish of the House that it should be brought on in a proper place, not as a substitution of sections 10 to 15, but as an additional clause or as an alternative clause, I would bring it under the chapter relating to kudiyiruppus. In fact I am sending in an amendment to that effect . . . ".

* The hon. the PRESIDENT :—" Having spent so much time, may I mention to the hon. Member that I cannot allow the bringing of it in another proper place as he thinks fit."

* Mr. J. A. SALDANHA :—" I would accept the principle and make the necessary amendments as to drafting, because it allows much room for improvement in drafting. After all, what is the object of this amendment? It is to bring it into line with what is being followed in the continent and what has been done in Ireland. I do not agree with the hon. Sir Patro that this sort of system had been tried on the continent and was given up. In the year 1926, they brought forward a legislation in England which is just the same as this amendment of my hon. Friend Mr. Arogyaswami Mudaliyar. That enactment is called the Small Holding Allotment Act of 1926 and in it there is a section which provides for the purchase of land by the County Councils and granting it and selling it on hire-purchase system to persons who wish to own lands and recovering the amount by means of an annuity in so many years. There, the rent is paid plus the annuity for the purchase of the land spread over a period of 40 or 60 years. The annuity covers the value of the land and the rent ceases to exist at the end of the 40 or 60 years, so that the land becomes the property of the tenant. Now, there has been a radical change and a revolution in this system in Ireland, though matters differ a great deal from the

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system prevalent in Malabar. An attempt is being made in England to abolish all the systems of tenancy and to convert that into a land-owning system. The Englishmen were not once agreeable to the principle of peasant proprietorship and so they had done away with that system and substituted the tenancy system. Mr. Parnell found it very difficult to make the Englishmen accept the principle of land purchase system and change the whole system of land tenure in Ireland until they went into regular obstructive tactics in Parliament . . ."

* The hon. the PRESIDENT :—" I hope the hon. Member will not resort to such tactics on this Bill."

* Mr. J. A. SALDANHA :—" After a good deal of tactics on the mere question of grasping the principle, the Conservative Government themselves had the good fortune to bring in a Bill for the land purchase system. There the Government raised a big loan and purchased the land. I entirely disagree with my hon. Friend Mr. Arogyaswami Mudaliyar when he says that there is anything confiscatory . . ."

* The hon. the PRESIDENT :—" For that the hon. Member has to obtain the sanction of the Governor under 80-C."

* Mr. J. A. SALDANHA :—" There is no such thing as confiscatory legislation at all here. I prefer that the Collector passes the bond on behalf of the Government. That will of course be the cash value. If that is substituted, the landlords will cease to exist and they will cease to exist like the Irish landlords and the janmis here will cease to be landlords.

" Now, I would say that when this system which has been followed in Europe with success, why should it not be introduced here also. I do not know from where my hon. Friend Sir Patro got the idea that it was found wanting. I hope that my friends the British officials in India will understand the value of the system. They have been trying to perpetuate this system of which they are very fond, because they have got the landlords to rule over and domineer over a large number of tenants. That is the favourite device of the British Government here to divide and rule and to have a sort of conflict between the landlord and the tenant. That system must cease to exist. I hope the British officials will see their way to do away with the tenant system. If they do not do that, I hope we shall see our way and our Friends like Mr. Satyamurti—I am sorry he is not here now—will see the necessity of changing the system into peasant proprietorship as rapidly as possible. If there is to be an economic development of India, it must be by means of peasant proprietorship. The Agricultural department will find it useful because to a greater extent there is always conflict between the landlord and the tenant. Because when you go and ask the tenant, he is not anxious to introduce ordinary changes, for he knows if he improves the land, the landlord will pounce upon him. I hope therefore that, even at the cost of some delay at least, this amendment will be given effect to and brought under a chapter in its proper place by the Government. The amendment states that 'any cultivating tenant may apply to the Collector to have their holding purchased from him, etc.' Just in the case of kudiiruppus where the Government have introduced the idea of enabling the tenant to purchase the kudiyiruppus, in this case also, I hope the Government would accept the amendment. The Government have adopted the principle already to some extent and I hope the Government will

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consider this and bring this as an alternative under another chapter or at least will promise to bring necessary legislation with the least possible delay. I think this is necessary in the interests of the agricultural and economic development of India and her happiness. I hope that Government in order to establish better relationship between the landlord and the tenant will at least hold out a promise to support this idea at an early date. With these words, I support the amendment of course, subject to the conditions I have mentioned."

* Mr. SAMI VENKATACHALAM CHETTI :—" Mr. President, Sir, I feel extremely diffident to speak on a question concerning tenancy legislation, much more so being a man who has practically nothing to do with the land question. I still feel that I could not avoid taking part in the Malabar Tenancy legislation." 4-30 p.m.

* The hon. the PRESIDENT :—" That is why Members who do not belong to Malabar are catching the eye of the President." (Laughter.)

Mr. SAMI VENKATACHALAM CHETTI :—" I don't think I shall be catching your eye later on. Following the discussion in the House on the amendments I cannot help feeling that this Bill is a result of many compromises. But that compromise does not seem to extend so far as the question of the interests of the cultivating tenants is concerned. The compromise seems to be between the janmi and the kanamdar. The reason for this grave omission, so far as the interest of the cultivating tenant is concerned, is obvious. I am told the cultivating tenant is an illiterate and dumb man. He has no organization to put forth his grievances which are only too many, and when on the other hand the kanamdar or the janmi is to speak in the name of the verumpattamdar it is only to give a colour of sympathy to the tenant while all the time he would be putting forth his own case. (Mr. K. R. Karant : ' Hear, hear.') That is why I am not surprised to see that the kanamdar representatives who are in this House are not enthusiastic over the amendment moved by my hon. Friend, Diwan Bahadur R. N. Arogyaswami Mudaliyar. Sir, I am really attracted by the excellent arrangement and solution of the tenancy problem as couched in the amendment of Mr. Arogyaswami Mudaliyar. While everyone who had to speak on this occasion had a good word to say in so far as the principle underlying the amendment is concerned, they did not see their way to accept the wording. That only betrays that the representatives in this House are not able to appreciate the real grievances of the cultivating tenants and are not in a mood to solve the difficulties pertaining to the land tenancy policy in Malabar. What they should see if they are really serious and sincere is they should see that there is an end to this trouble. The question is not to see that the Malabar Tenancy Bill is put on the statute book but to see that the difficulties under which the cultivating tenant is suffering are solved. Judged from the bent of mind of the members of the Select Committee, I see they are anxious to see that their labours fructify by placing this legislation on the statute book. That is exactly what has been troubling my Friend, Mr. Satyamurti, who is very zealous of the labours of the Select Committee. The idea contained in this amendment, though new so far as this House is concerned, does not appear to be new to other countries. As a matter of fact, this seems to me to be the principle upon which the land tenure policy of other countries are settled to the satisfaction of every one concerned. I am not surprised that this House is taken aback by the

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novelty of this idea. Evidently we are not serious to tackle this question. Therefore it is that we are satisfied with mere compromises proposed by this side and that side of the House. If the janmi comes forward with a supposed grievance we immediately say that his grievance must be redressed. If, on the next day, the kanamdar raises a fissiparous cry, then we at once say, 'well, you have this plum'. In the fight of interests between the janmi and the kanamdar, I am afraid the cultivating tenant is going to the wall. (Mr. K. Krishnan: 'Hear, hear.') I am glad that Mr K. Krishnan is approving of my sentiment and I hope his approval will sustain him to voting in favour of this motion. (Laughter.) My hon. Friend, Mr. Satyamurti, with whom I rarely differ in public (laughter) said that this Bill threatened the very structure of this Bill. I think it is more good to threaten the structure of the Bill than to threaten the structure of the society of Malabar. He was anxious that we must get through the Bill. Well, that is a dangerous proposition. I realize that this Bill contains certain dangerous provisions and it does not give satisfaction to some persons. It seems to me that we should rather go without a Bill than go with a Bill of this sort. Then my friends who had spoken against these amendments did not question the propriety of the principle contained in this amendment. If so, why should they stand in the way of this amendment being carried? My hon. Friend, Mr. Muniswami Nayudu, has no doubt thrown out a very constructive suggestion, that in addition to the arrangement already contained in the Bill, we may make this an additional provision so that such of those cultivating tenants who want to take advantage of the provision may take. Sir, if you allow, and if the House allows, that suggestion may be effected by an amendment. Other friends have spoken 'this is no doubt a very good principle, why don't you bring a Bill and make it applicable to the whole Presidency?' If they are enamoured of this principle, I should like to say that they might try this principle in Malabar, and then extend it to the Presidency after seeing how the experiment works. (Mr. K. R. Karant: 'It is no experiment.') In one sense it is not an experiment in as much as it has already been tried in other countries. My justification for trying this experiment is that we are recasting Malabar Tenancy Legislation, why not introduce this also and see how it works. There is one argument which has got the plausibility of justification, namely, that we see around us that the janmi representatives are supporting this. There must evidently be something in this which makes the janmi representatives support this. I undoubtedly agree that there is something. They are no doubt getting compensation for the land they are asked to quit. It may be a delightful thing for proprietors outside Malabar to sacrifice the janmi on this expropriation, but when this question is extended to the other parts of the Presidency then we will feel the sting of it and it is necessary that this sting be made as least harmful as possible by making the landed proprietor receive the cash value of the land he is asked to part with. Again, this principle is not a new thing in this country. We have got co-operative societies helping a particular class of servants. The principle is that the land becomes the property of the tenant with the liability of paying equated payments on the security of some bank or Government. Indeed one of the objects of the land mortgage banks is to help the small intending proprietor to purchase the land and stand security for that land. Even in this case it is the same thing. The objection has been raised that in other countries where this principle has been introduced it was the Government who stood surety for

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the proprietor who has been asked to part with the land, and here there is no chance of the Government standing surety, and therefore it ought to be rejected. It is no doubt true that the Government are not made a party in this matter. But that is only a technical difficulty in our way. As a matter of fact, in the original notice given by Mr. Arogyaswami Mudaliyar he made Government a party to this system of payments. On account of the section 80 (c) he has altered the wording of the resolution, but that does not remove the security the janmi has on the land. The bond is redeemable only after full payment. So long as that is not done, the janmi retains proprietary right on the land ; and again nothing prevents the Government from liberalizing its policy and stepping in, in the interests of the agriculturists. I find that in the report of the Royal Commission on Agriculture there are one or two sentences which point out that they recommend that Government might help the agriculturists in the matter of purchase. Sir, I consider this principle is a just principle. I consider this will remove the grievances under which the cultivator is suffering from. Well, this will pave the way for the introduction of this principle in other parts of the Presidency. It will increase the interest of the cultivating tenant in his land. In the words of Dr. V. K. John, who had been the inspirer of this amendment, I should like to state here the advantages which the tenant will derive under this system.

" This is what he says :— 4-45 p.m.

' Occupying ownership assures him the full fruits of his toil. He need no more be reluctant to sink his capital in the venture of improving the soil. It is most curious why the cultivating farmers do not agitate for the annuity system. The truth is that they are neither educated nor organized. There is no doubt that they will wholeheartedly accept the scheme of occupying ownership if only it is put to them. Nobody except agents of janmis could complain that the money spent on collection agencies, litigation, etc., is saved to find the amount for the annuity. And the scheme has one great advantage over occupying tenancy. In occupying tenancy there is an inevitable tendency to multiply intermediaries. The tenant who gets fixity of tenure sublets and the sub-lessee after a time does the same until at last some poor man is rack-rented . . . etc.'

" Sir, I will only close my remarks with this observation. My Friend the hon. Member for the University said that the social concord that is expected to come after the passing of this legislation will be disturbed by these amendments. I should consider that nothing can improve the social concord in that part of the province better than the system now adumbrated in these amendments."

* The hon. Mr. A. Y. G. Campbell :—" Mr. President, Sir, I appreciate very much the admirable sentiments and the good intentions with which my hon. Friend, Mr. Arogyaswami Mudaliyar, has been actuated in bringing forward this proposal. But I fear, Sir, that at this stage it is quite impossible for the Government to accept these amendments. My hon. Friend Mr. Biswanath Das stated that this proposal which is now made to this House should have been made before the Select Committee. And may I submit, Sir, if it would have been preferable that it should have been submitted to the Raghavayya Committee for their consideration and not at so late a stage as that of the Select Committee.

"I cannot admit that because a system of land purchase by tenants is in force in other countries, the scheme now put forward should be introduced in Malabar. I do not suppose there is any country in which such legislation has been reduced to one sheet of paper, as is proposed now. Usually

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such Acts must be composed of several sections. I do not wish to repeat the criticisms of the scheme made by various previous speakers. I would only add to the criticism which has been made that this section would throw upon the Collector considerable duties and responsibilities, and it is impossible for the Government to accept this proposal without further investigation. Assuming that the cultivating tenants take advantage of this provision in large numbers, the Collector will have to decide hundreds and perhaps thousands of cases which would be brought before him by tenants against janmis and kanamdars and other intermediaries. And he will have to try all these cases and award compensation in each case. And then he will have to deal with the bonds which each of these persons would execute and for a period of 40 years he will be responsible for the investment of those bonds; I am not sure what will happen if unfortunately those investments lose in value before the bonds materialize.

"Sir, the hon. Mover of this amendment stated that the Government Bill would be disastrous to Malabar and that it is without precedent. Well, Sir, can the hon. Member find me a precedent in any other country for tenures such as those which exist in Malabar, kanam tenures, kuzhikanam tenures, the tenures of cultivating verumpattamdars and so on? I do not think, Sir, we should slavishly follow in Malabar precedents derived from places where other tenures are in force. We must take into consideration the actual circumstances that exist in Malabar. That is a main principle that was borne in mind by the framers in this Bill. Another principle has been that we should as far as possible not encourage litigation. And, Sir, I would like to point out that this provision now proposed will necessitate litigation if the cultivating tenant is to have any advantage from it. He will have to apply to the Collector and when he has applied and obtained the order of the Collector, we may assume that in almost every case the janmi and kanamdar and other intermediaries will proceed to appeal to the civil courts. And I doubt very much whether the tenant unless he is a wealthy man will be really able to take advantage of the provision that is now proposed. By the substitution of this clause for the existing clauses 10 to 15 of the Bill, the cultivating tenant will have no advantage at all. They would be deprived of the advantages which it is proposed to give them under the Government Bill as amended by the Select Committee. For these reasons, Sir, I regret I am unable to accept the amendment."

The amendment was put and declared negatived. Mr. Abdul Hameed Khan demanded a poll which was taken and the House divided thus:

Ayes.

1. The Muppil Nayar of Kavalappara.
2. Rao Bahadur O. M. Narayanan Nambudripad.
3. Mr. N. Siva Raj.
4. ,, M. V. Gangadhara Siva.
5. ,, E. Sankaran Unni.
6. ,, P. C. Venkatapathi Raju.
7. ,, K. Koti Reddi.
8. ,, R. Srinivasa Ayyangar.
9. ,, Sami Venkatachalam Chetti.
10. ,, C. V. Venkataramana Ayyangar.
11. ,, J. A. Saldanha.
12. Mr. Abdul Hameed Khan.
13. ,, L. K. Tulasiram.
14. ,, K. Uppi Sahib.
15. ,, M. Narayana Rao.
16. ,, C. N. Muthuranga Mudaliyar.
17. ,, K. V. Krishnaswami Nayakar.
18. Diwan Bahadur R. N. Arogyaswami Mudaliyar.
19. The Zamindar of Seithur.
20. The Maharaja of Pithapuram.
21. Mr. K. R. Karant.

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Noes.

1. The hon. Khan Bahadur Sir Mahammad Usman Sahib Bahadur.
2. ,, Sir Thomas Moir.
3. ,, Diwan Bahadur M. Krishnan Nayar.
4. ,, Mr. A. Y. G. Campbell.
5. ,, Dr. P. Subbarayan.
6. ,, Mr. S. Muthiah Mudaliyar.
7. ,, Mr. M. R. Seturatnam Ayyar.
8. Mr. Alladi Krishnaswami Ayyar.
9. ,, Hilton Brown.
10. ,, H. A. Watson.
11. ,, A. G. Leach.
12. ,, J. Gray.
13. ,, S. V. Ramamurti.
14. ,, C. B. Cotterell.
15. ,, V. Ch. John.
16. ,, M. A. Manikkavelu Nayakar.
17. Syed Tajudin Sahib Bahadur.
18. Mr. J. Kuppuswami.
19. Subadar-Major S. A. Nanjappah Bahadur.
20. Mr. K. Krishnan.
21. ,, L. C. Guruswami.
22. ,, V. I. Muniswami Pillai.
23. ,, J. Bheemayya.
24. ,, R. Foulkes.
25. ,, W. P. A. Soundara Pandian.
26. ,, S. Subrahmanya Moopanar.
27. Mr. S. Venkiah.
28. Rao Sahib R. Srinivasan.
29. Mr. A. Achutan.
30. ,, S. N. Dorai Raja.
31. The Raja of Kallikota.
32. Khan Bahahadur P. Khalif-ul-lah Sahib Bahadur.
33. Mr. G. R. Premayya.
34. ,, S. Satyamurti.
35. ,, K. Madhavan Nayar.
36. ,, D. Narayana Raju.
37. ,, C. Obi Reddi.
38. ,, T. Adinarayana Chettiyar.
39. Sriman Biswanath Das Mahasayo.
40. Mr. A. Kaleswara Rao.
41. ,, A. Ranganatha Mudaliyar.
42. ,, K. P. Raman Menon.
43. ,, C. R. Parthasarathi Ayyangar.
44. ,, C. Gopala Menon.
45. Rao Bahadur Sir A. P. Patro.
46. ,, Dr. C. Natesa Mudaliyar.
47. ,, S. Ellappa Chettiyar.
48. Khan Bahadur S. K. Abdul Razack Sahib Bahadur.
49. Diwan Bahadur S. Kumaraswami Reddiyar.
50. Rao Bahadur B. Muniswami Nayudu.

Ayes 21. *Noes* 50.

The amendment was negatived.

Mr. K. Uppi Sahib :—" Mr. President, I move the following amendment:—

' *For the existing clause* 10 *substitute the following* :—

" 10 (1) (*a*) *Any cultivating verumpattamdar may apply to the court for a certificate of fixity of tenure.*

(*b*) *If a janmi or any intermediary files a suit for eviction against any cultivating verumpattamdar on the ground that the period of the lease to the defendant has expired, or that the defendant is only a tenant-at-will, the defendant shall be entitled to apply to the court for a certificate of fixity of tenure, if he has not previously made an application under clause* (*a*) *or if such applicatian has been dismissed and the suit for eviction shall abide and follow the result of such application.*

(2) *Any contract whether made before or after the commencement of this Act, by which a cultivating verumpattamdar is, for any reason, precluded from applying under sub-section* (1) *shall, to that extent, be void and unenforceable* ".'

" Sir, this amendment is only to substitute what the Government have previously introduced. The Select Committee has given immediate fixity to all verumpattamdars. The verumpattamdars of Malabar are really rack-rented. Since the agitation began, since the hon. Mr. Krishnan Nayar introduced his Bill, there have been continuous evictions and redemptions of kanamdars and rack-renting of verumpattamdars has been actually going on in Malabar since then. The draft Bill contained these provisions. But the Select Committee changed them and gave fixity to the cultivators without taking into consideration the rack-renting that is going on in

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Malabar. The actual cultivators, the poor men of the soil, are now stuck to the soil and at the same time you want them to furnish security and hammer them further down by means of this clause for summary procedure. All these things have been done behind his back. Practically speaking, there was nobody, and I am afraid except one or two here, there is nobody to represent these dumb millions of Malabar. They do not know what we are doing here, and the result will be very disastrous to them. These poor people who are toiling day and night in the fields are now stuck to the soil and will have to pay this highest rent for the coming twelve years. I ask why option is given to the kanamdar, to the kuzhi-kanamdar, and to the customary verumpattamdar, and why these poor people toiling day and night and in the drenching rain of Malabar are fixed to the soil and are asked to pay the highest rent, this rack-rent, without even having anything to eat. Now, at least, the janmis and their immediate landlords have some compassion for them. They are their tenants. They have got that feeling at least. Hereafter the janmis, and the immediate landlords will not have any reason to be compassionate to these people."

The House then adjourned to meet again at 11 a.m. on Thursday the 3rd October 1929.

IV

PAPERS LAID ON THE TABLE OF THE HOUSE.

1. [a] List of posts on Rs. 500 per mensem and above created during the quarter ending June 1929.

2. [b] Explanatory Note regarding the organization of a Co-operative Central Land Mortgage Bank.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

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[a] Printed as Appendix V on pages 591-594 infra.
[b] Printed as Appendix VI on pages 595-598 infra.

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APPENDIX I.

[Vide answer to question No. 672 asked by Mr. K. Koti Reddi at the meeting of the Legislative Council held on the 1st October 1929, page 511 supra.]

Action taken on the recommendations of the Ceded Districts Irrigation Committee.

I. Existing Irrigation Works.

(*a*) *Larger maintenance grant for minor irrigation works.*—Special Tank Restoration Scheme divisions have been constituted for the execution and investigation of repairs to tanks and channels and larger amounts will be spent in future on this work.

(*b*) *Kudimaramat—Spring channels.*—The Government have issued orders that, in cases where owing to long continued neglect for many years past during which period the revenue officers have omitted to enforce the work of repair by customary labour, and where the repair involves considerable labour and expense, the Government will be prepared to consider on the merits of each case whether any contribution should be made from Public Works Department or Minor Irrigation funds towards the cost of the work. The Government have also decided that exceptional works rendered necessary by changes in the regimé of rivers cannot, strictly speaking, be regarded as kudimaramat works.

(*c*) *Berm cutting.*—The Committee recommended that the cutting of berms of channels should be carried out at the expense of the Government and by Government agency. The Government considered that before accepting the recommendation of the Committee *in toto* a detailed examination and trial in respect of some important channels should be made. Estimates relating to three channels in the Cuddapah district (where alone any difficulty in connexion with this work was reported to exist), were accordingly sanctioned in October 1928 and the Board of Revenue has been asked to report the result of the experiment at the end of two years.

(*d*) *Major Irrigation Works*—(i) *Tanks.*—Increasing the F.T.L. of tanks, improving supply channels or cutting new ones, now come within the scope of the duties of Tank Restoration Scheme parties and they will take the necessary steps in the matter.

(ii) *Kurnool-Cuddapah Canal.*—In 1927, the Cuddapah section of the canal was transferred to the charge of the Executive Engineer, Kurnool division. Action on the other recommendations in regard to the canal fall within the normal duties of the Public Works Department.

(iii) *Tungabhadra channels.*—Improvements to the anicuts across the Tungabhadra channels also fall within the normal activities of the Public Works Department and any suggestions for the improvement of the anicuts that may be put forward by the local officers will receive due consideration. So far, no such suggestion has been rejected.

(iv) *Abandoned tanks.*—The consideration of the restoration of abandoned tanks also comes within the scope of Tank Restoration Scheme parties newly constituted.

(v) *Tank Restoration Scheme Works.*—There were originally two subdivisions in the Madras Circle—one for the Ceded districts and the other for the Chingleput district. There is now one division with three subdivisions.

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(e) *Irrigation by pumping*—(i) *Loans.*— Under the existing rules, the maximum period of repayment in the case of loans for wells is 30 years. The rate of interest has been reduced from 7¼ per cent to 6¼ per cent per annum in the case of all advances to cultivators with effect from 1st April 1929.

(ii) *Pumping with electrical appliances.*—After a careful consideration of the question, the Government have come to the conclusion that development of irrigation by pumping should for the present be left to private enterprise, and that the State may best assist the ryots by undertaking the preliminary survey of irrigational possibilities and indicating sites for sinking wells or installing mechanical or electrical appliances. A preliminary survey of sub-soil water-supply in fourteen selected villages in the Bellary firka is now being conducted by the District Engineering branch of the Industries Department. The Government expect to receive a report on the results of the survey from the Director of Industries shortly. The question of a survey of underground water supplies on a large scale will then be considered. The Government have also sanctioned a scheme for five years from August 1928 in the Ceded districts and in two taluks of the Chittoor district, under which no water-rate will be charged for water drawn by pumping for five years, half the charge for the next two years and the full charge thereafter.

II. New Works.

A.—Minor schemes—(1) *Schemes already investigated*—(i) *Thokapalli project.*—As it was reported that the proposed reservoir would submerge good land while the land proposed to be irrigated was poor, the Chief Engineer (Irrigation) has been asked to report on the matter and to consider whether it would be preferable to construct a small reservoir, which would not submerge good wet lands.

(ii) *Dorigallu project.*—This project was abandoned in 1909 as it did not satisfy the conditions of a productive, protective or famine relief work.

(iii) *Pullampet project.*—From an examination of the gauge readings, the Chief Engineer reported that the surplus water available for storage after meeting the requirements lower down was insufficient to warrant any consideration of the project. The Government directed that the project should be abandoned.

(iv) *Velligallu project (otherwise known as Papaghni reservoir project).*—Gaugings are being continued.

(v) *Kanchalamma tank project.*—The investigation is expected to be completed shortly.

(2) *Schemes not investigated yet*—(i) *Upper Penner project.*—This is under investigation.

(ii) *Utilization of the Gundala and Pullangi rivers in Rajampet taluk.*—This has not been done, as it is apprehended that the storage of waters in the upper reaches of the rivers might have a serious effect on the existing irrigation under the spring channels lower down.

(iii) *Reservoirs in Cumbum and Markapur taluks on the tributaries of the Gundlakamma*—(a) *Duvvaleru.*—The question of the amount of water available has been examined by the Chief Engineer and a preliminary report on a project consisting of an anicut across the stream, a head sluice, and a channel designed to carry 100 cusecs is awaited.

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(*b*) *Kandleru.*—A reservoir across the river is not under consideration but an anicut across the river to give an increased supply to Dondapad and other tanks in Vinukonda taluk of Guntur district is under investigation. Gauge readings are being taken from June 1929.

(iv) *Hagari reservoir or anicut.*—A scheme for constructing an anicut across the Hagari to supply tanks along the margin of the river has been investigated. Plans and estimates are awaited.

(v) & (vi) *Anicuts across the Chikka Hagari.*—A scheme for the construction of anicuts across the Chikka Hagari river to divert water to the Chintrapalli, Belahal, Arsikeri, Bheemanakeri, Arkasamudram and Narayanadevarakeri tanks in the Hadagalli taluk is being investigated. Plans and estimates are awaited.

B.—Major schemes—Tungabhadra-Kistna project.—This is under investigation by a special division. A Geologist is to inspect and report on the suitability of the site at Timmalapuram shortly.

APPENDIX II.

[Vide answer to question No. 674 asked by Mr. K. V. R. Swami at the meeting of the Legislative Council held on the 1st October 1929, page 513 supra.]

Statement showing the damage caused to roads, bridges and tanks in Godavari Northern division for 1928–29.

Extent of damage.				Amount required for repairs.	Amount spent.				Total amount spent.
Roads.	Bridges.	Weirs.	Tanks.		Roads.	Bridges.	Weirs.	Tanks.	
RS. 11,610	RS. 50,000	RS. 30,000	RS. 49,180	RS. 3,10,790	RS. 623	RS. 3,745	RS. 2,952	RS. 24,653	RS. 31,973

APPENDIX III.

[Vide answer to question No. 683 asked by Mr. A. B. Shetty at the meeting of the Legislative Council held on the 1st October 1929, page 518 supra.]

Proceedings of the deputation.

The deputation of the Provincial Medical Service Association headed by Rao Bahadur Dr. M. Kesava Pai, M.D., President of the Association and consisting of the following members :—

1. Rao Bahadur Dr. T. M. K. Nedungadi, L.M.S., ex Vice-President of the Association.
2. Dr. T. S. Tirumurti, B.A., M.B.C.M., D.T.M. & H.
3. Dr. M. Narasinga Rao, M.B.B.S.
4. Dr. G. R. Parasuram, B.A., L.M.S., M.R.C.P., D.PSY.
5. Dr. P. V. Francis, B.A., M.B.B.S., L.R.C.P., M.R.C.S.

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6. Dr. V. C. Govinda Menon, L.M.S., L.R.C.P. & S.
7. Dr. J. C. David, M.B.B.S.
8. Dr. R. Viswanathan, B.A., M.B.B.S.

waited on the hon. the Minister for Public Health on Monday the 27th May 1929 at 2-30 p.m. at the Secretariat Buildings, Ootacamund. Surgeon-General J. W. D. Megaw, C.I.E., V.H.S., I.M.S., and Mr. S. Ranganathan, I.C.S., Deputy Secretary, Local Self-Government, were also present. The Minister gave a very patient and sympathetic hearing to the various representations made by the deputation which lasted for about two hours. The memorandum which had already been presented to the Surgeon-General on the 5th of March last and had received a very favourable consideration at his hands dwelt on the various points referring to recruitment to specialist, teaching and other appointments and to study leave and deputation. The Minister was pleased to make detailed enquiries regarding the different grievances which the members of the Provincial Medical Service laboured under with a view to the possible ways of remedying the same without detriment to the interests of medical education and medical relief. To the following points which were urged by the deputation the Minister and the Surgeon-General promised to give their sympathetic consideration :—

1. (*a*) Whenever professorial and specialist appointments are contemplated by Government, attempts should be made to notify them to the members of the Provincial Medical Service to enable intending applicants to qualify themselves for the same.

(*b*) For all higher appointments in the teaching and specialist cadres the minimum qualifications and the nature of the training required to hold each of them should be definitely prescribed by the Surgeon-General at an early date to facilitate the acquiring of such qualifications or training by the members of the Provincial Medical Service.

(*c*) In considering the claims of Provincial Medical Service officers and the work done by them in the foreign institutions where they may be trained, the maximum period of two years of study leave granted by Government to these officers will be considered to be sufficient for qualifying them to the higher posts and the longer period of training of outside applicants in their own country will not weigh against the local applicants of the Provincial Medical Service.

2. In making higher appointments to the specialist and teaching cadres, if qualified persons are obtainable from the members of the Provincial Medical Service, they will have preference over outside applicants, due consideration being paid also to the seniority of such qualified members of the service.

3. The formation of teaching cadres is approved.

4. (*a*) Only when exigencies of service arise owing to want of qualified men for an appointment which must be immediately filled up, such a post will be temporarily filled up by recruiting in the open market by advertisement but it shall be for a contract period not exceeding three to five years to enable selected service members to qualify themselves in the meanwhile.

(*b*) If at expiry of such short term contracts Provincial Medical Service officer with the required qualifications is available, the appointment will be given to him.

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5. (*a*) Increase in the number of officers who will be granted deputation or study leave annually will receive the sympathetic consideration of Government.

(*b*) In granting study leave the question of seniority will be taken into consideration, provided the officer is likely to serve the department for about ten years after return from the leave.

6. The request that the recruitment of professors shall be made as a rule from amongst the Assistant Professors, who have had teaching experience and who have shown special aptitude was acceded to, provided they possess the prescribed minimum qualifications.

7. In all cases of open recruitment the selection shall be made by a properly constituted Public Services Commission for Madras.

G.O. Mis. No. 1653, P.H., dated 3rd July 1929.

READ—the following paper:—

From the Surgeon-General, No. 65/Est., dated 25th March 1929.

Order—Ms. No. 1653, *P.H., dated* 3*rd July* 1929.

A copy of the proceedings of the deputation of officers of the Madras Medical Service which waited on the Hon'ble the Minister for Public Health on the 27th May 1929 is communicated to the Surgeon-General with the following remarks:—

(1) *Paragraph* 1 (*a*) *of proceedings—Early notification of special appointments in contemplation.*

Paragraphs 5 (*a*) *and* 5 (*b*)—*Increase in the number of officers to be granted study leave and the principles on which study leave should be granted.*

The requests contained in the above paragraphs will be complied with as far as practicable.

(2) *Paragraph* 3—*Formation of teaching cadres and Paragraph* 7—*Recruitment by a Public Services Commission.*

These two questions are under the separate consideration of the Government.

(3) *Paragraph* 1 (*b*)—*Prescription of minimum qualifications.*

Paragraph 1 (*c*)—*Maximum period of training in foreign countries required of Provincial Service Officers.*

Paragraph 2 *and paragraph* 4 (*b*)—*Service men to be preferred to outsiders.*

Paragraph 4 (*a*)—*Special recruitment in the open market to be on short-term contracts.*

Paragraph 6—*Recruitment of Professors to be made from amongst the Assistant Professors.*

A final decision on these points will be deferred until the Government have received and considered the report of the Committee on Medical Education.

(By order of the Government, Ministry of Public Health)

HILTON BROWN,
Secretary to Government.

To the Surgeon-General (with copy of the proceedings).

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Appendix IV.

[Vide answer to question No. 692 asked by Mr. K. R. Karant at the meeting of the Legislative Council held on the 1st October 1929, page 525 supra.]

Statement showing the number of deaths from rinderpest in South Kanara in each of the years from 1920–21 *to* 1928–29.

Year.	Deaths.	Year.	Deaths.
1920–21	83	1925–26	2,885
1921–22	13	1926–27	1,300
1922–23	314	1927–28	1,395
1923–24	47	1928–29	1,339
1924–25	897		

Appendix V.

[Vide Item IV "Papers laid on the table of the House"—page 584 supra.]

List of posts on Rs. 500 per mensem and above created during the quarter ending June 1929.

A.—PERMANENT.

Department and designation of the post. (1)	Pay per mensem. (2)	Date of creation. (3)	Remarks. (4)
		Civil Works.	
	RS.		
Public Works and Labour Department—			
Executive Engineer ...	625—1,375	29th May 1929.	Created in consequence of the South Presidency Division being made permanent.

B.—TEMPORARY.

(i) Extension of previous sanctions.

Department and designation of the post. (1)	Pay per mensem. (2)	Period of tenure. (3)	Remarks. (4)
		Forests.	
Development Department—			
Special Officer	Grade pay of Extra Assistant Conservator and Presidency allowance of Rs. 100.	From 21st May 1929 to end of June 1929.	First created for two months from 21st March 1929.

B.—TEMPORARY—*cont.*

(i) Extension of previous sanctions—*cont.*

Department and designation of the post. (1)	Pay per mensem. (2)	Period of tenure. (3)	Remarks. (4)
		Administration of Justice.	
	RS.		
Law (General) Department—			
Additional Sub-Judge, Narasapur.	650	For one year from 29th April 1929.	......
Additional Sub-Judge, Trichinopoly.	650	From the commencement of the summer vacation of 1929 up to the commencement of the Christmas holidays 1929.	......
Additional Sub-Judge, Rajahmundry.	650	For one year from 30th April 1929.	......
		Fisheries.	
Assistant Director of Fisheries (Marine).	900—50—1,000	Three years from 13th March 1929.	The post was first created for a period of three years from 13th March 1926.
		Civil Works.	
Public Works and Labour Department—			
Executive Engineer for the charge of the Tungabhadra Project Investigation Division.	625—1,375	Extended to the end of March 1930.	This was created for a period of one year from March 1928.

(ii) Posts newly created.

		General Administration.	
Law Department—			
Assistant Secretary ...	500	Four months from 1st May 1929.	For work connected with the preparation of the electoral rolls of the Legislative Assembly and Legislative Council.
		Police.	
Judicial Department—			
District Superintendent of Police.	650—1,350 *plus* O.P. Rs. 150 to Rs. 300 *plus* Special pay Rs. 1000 and Motor car allowance of Rs. 100.	Three months from 1st April 1929.	Sanctioned to provide for the appointment of an additional Deputy Commissioner of Police for Madras City.
District Superintendent of Police.	650—1,350 *plus* O.P. Rs. 150 to Rs. 300 *plus* Special pay Rs. 200.	Three months from 1st April 1929.	Sanctioned to provide for charge of Crime branch of the Criminal Investigation Department.
District Superintendent of Police.	650—1,350 *plus* Rs. 200 Special pay.	Five years from 25th April 1929.	Sanctioned to provide for the appointment of District Superintendent of Police, South Madura, in lieu of the Superintendent of Kallar Reclamation.
		Education.	
Law (Education) Department—			
Deputy Director of Elementary Education.	1,950	Sanctioned for one year or till orders are passed on the reorganization of the Superior Educational Services, whichever is earlier.	......

B.—TEMPORARY—*cont.*

(ii) Posts newly created—*cont.*

Department and designation of the post. (1)	Pay per mensem. (2)	Period of tenure. (3)	Remarks. (4)
		Civil Works.	
	RS.		
Executive Engineer for the new Ganjam Agency Division.	625—1,375	One year from 1st April 1929.	......
Executive Engineer for the Special Investigation Division for remodelling and resluicing of rivers and channels in the Cauvery delta.	625—1,375	Do.	......
Executive Engineer for the Special Division for the investigation of a scheme for the extension of irrigation in the Kistna Eastern and Western deltas.	625—1,375	Do.	......

APPENDIX VI.

[Vide Item IV "Papers laid on the table of the House"– page 584 supra.]

DEVELOPMENT DEPARTMENT.

EXPLANATORY NOTE.

[SUBJECT.—*Organization of a Co-operative Central Land Mortgage Bank.*]

In 1925, the Government approved the organization of land mortgage banks on a co-operative basis as an experimental measure in select localities in the Presidency. The primary object of the banks was the relief of agricultural indebtedness, especially of small landholders, by providing loans for the redemption of mortgages on agricultural land and the discharge of prior debts not secured by mortgages but the improvement of land and of methods of cultivation would also be within their scope. The banks were to obtain money from share capital, deposits and principally debentures. Each bank was to have a working capital of Rs. 1 lakh and as, at the outset, the banks would have had to depend largely on debentures issued on the security of land of the members and it was expected that the debentures might not be fully taken up by the public, the Government undertook to take up debentures to the extent of Rs. 50,000 in each bank provided that the public first took up the other Rs. 50,000.

There are about 20 land mortgage banks now in existence. Of these, only five have floated debentures and can be said to have got into working order. The chief difficulty experienced has been in selling debentures locally in spite of promises. The question of the slow progress in the floatation of debentures was discussed by the Registrar in November 1927 at a meeting with the representatives of the existing banks. It was agreed that in view of the impossibility of getting adequate funds by offering debentures even at 7 per cent, a central land mortgage bank should be formed at Madras with an influential directorate to float debentures on the assets transferred by the primary land mortgage banks and to finance the latter out of the proceeds of such debentures. The Registrar submitted necessary proposals. The details of the scheme were discussed on two occasions by the hon. the Minister for Development with prominent co-operators. The minutes of the later Conference which met in June last are appended to this note.

The Registrar states that the formation of a Central Agency alone may not attract debentures from the general public to a large extent unless it is backed up by Government. He reports that the representatives of the existing banks were of opinion that Government should be requested preferably to guarantee interest on all debentures issued during the first five years for the full period of such debentures or in the alternative to take up debentures at least up to 50 per cent of the requirements. The Ninth Conference of Registrars which met in Bombay in 1926 recognized that in the earlier stages, a certain measure of assistance from Government would be required and were of opinion that a guarantee of interest by Government for a certain period was of the highest importance. The Townsend Committee on

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Co-operation have recommended that interest on the debentures issued for the first five years should be guaranteed by Government. The Royal Commission on Agriculture also recommend that this form of aid should be adopted as the best means of encouraging the investment of long term money in land mortgage banks and are of opinion that it is extremely unlikely that the guarantee of interest will ever involve Government in loss. It is proposed that Government may guarantee interest not exceeding 6 per cent per annum for a period of 25 years on Rs. 50 lakhs in all to be raised by the central land mortgage bank within a period of five years.

It is also proposed to appoint two Deputy Registrars on Rs. 300 per mensem, each for a period of three years to inspect primary land mortgage banks on behalf the central land mortgage bank and the trustee, and ten officers of the grade of Sub-Deputy Registrar or Deputy Tahsildar on Rs. 150 per mensem, each for a like period to work under the primary land mortgage banks in connexion with the grant of loans, investigation of titles, valuation of properties, etc Necessary provision on this account has been included in the budget of 1929–30 under the head '34. c. Agriculture—Co-operative credit—ii. Deputy and Assistant Registrars'.

S. V. RAMAMURTI—23-9-29.

Appendix

Minutes of the Conference in connexion with the Central Land Mortgage Bank held on 8th June 1929 at the Secretariat, Stonehouse Hill, Ootacamund.

The following were present:—

The hon. the Minister for Development.
Raja Sir Annamalai Chettiyar Avargal.
M.R.Ry. Rao Bahadur T. A. Ramalinga Chettiyar Avargal.
,, C. Gopala Menon Avargal, M.L.C.
The hon. Mr. V. Ramadoss Pantulu Garu.
Mr. H. M. Hood, Registrar of Co-operative Societies.
,, E. C. Wood, Deputy Secretary, Finance Department.
Under Secretary, Development Department.

The note which was an enclosure to Development Memorandum No. 5111-III/27-5, dated 1st September 1928, and which embodied the results arrived at the Conference held on the 10th and the 16th August 1928 was taken up for further consideration. Certain alterations in the conclusions previously arrived at were suggested and accepted. The note embodying the alterations suggested is placed below as appendix to this minute.

2. Raja Sir Annamalai Chettiyar wanted information as to whether there were any specific objects for which alone money would be advanced. The Registrar drew the attention of the members to page 158 of the Co-operative Manual where the objects for which alone loans could be given are explained.

3. It was then decided that draft by-law No. 11 of the draft by-law relating to Co-operative Central Land Mortgage Bank, Ltd., sent as an enclosure to the Registrar's letter to the Secretary to Government, Development Department, dated 12th December 1927, No. 4598/27 should be

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altered as follows: "Every member shall, on admission, pay an entrance fee of Re. 1 per share. Every transferee of a share shall pay a like fee of Re. 1 per share subject to a maximum of Rs. 5 at a time."

4. It was then suggested by the hon. Mr. Ramadoss Pantulu that by-law No. 19 of the Registrar's draft by-law mentioned above should be omitted. The rest of the members of the Conference were against the suggestion and were for retaining it at least so long as the Government guarantee was there.

Appendix.

(1) It was agreed that the central financing agency should be composed of primary land mortgage banks as well as individual shareholders and that the latter should share in the management, but should not be allowed to borrow from the bank.

(2) At the commencement of the authorized share capital, 50 per cent should be reserved for primary banks and 50 per cent for individuals.

(3) The authorized capital of the bank shall be Rs. 10 lakhs and the value of a share shall be Rs. 100. No individual shareholder shall hold more than 100 shares.

(4) It was agreed that there should be one vote for each share.

(5) The strength of the Board of Management should be twelve comprised of five delegates from primary banks, five individual shareholders, the Registrar of Co-operative Societies, one Director nominated by the Registrar subject to the approval of Government.

(6) It was decided to drop the condition that the election of the President of the Board of Management should be subject to the approval of the Government.

(7) It was agreed that the rate of interest on debentures should not exceed 6 per cent, the rate of interest charged on loans to primary banks 7 per cent and the period of debentures twenty-five years.

(8) The working capital of the bank may be fixed tentatively at twenty-five times the share capital and reserve fund.

(9) It was agreed to have a trustee for the bank and that the Registrar shall be the trustee.

(10) It was agreed that the extent to which debentures may be issued should be fixed at 50 per cent of the value of the properties mortgaged.

The other conclusions which were arrived at were—

(1) The area of operation of the proposed central land mortgage bank should extend to the whole Presidency but operations will be restricted to selected districts in the beginning.

(2) It is desirable that debentures should be exempted from the provisions of the Income-tax Act.

(3) The following recommendations of the Townsend Committee were in general agreed to, namely: The by-laws of the bank should provide for the constitution of a sinking fund. A proportion of the debenture redemption money must be fixed for each year: the proportion will naturally depend upon the length of the period and other features of the debentures. The monies so coming in may be invested where a profitable investment on

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which the bank does not lose is available. We visualize this contingency as not being improbable : if debentures are floated at 5 or 5½ per cent for 20 or 25 years, the chance of gilt-edged securities themselves being obtainable at similar rates is by no means negligible. The bonds of local bodies or other quasi-official corporations which may be certified by the Registrar as safe investments may be available from time to time at the same, if not higher, rates. Failing such investments, if its debentures are available for sale in the open market, the bank may purchase them not above par. If they are not so available, it may repay debenture-holders in some systematized manner. We consider the following to be the best method. Each year the bank should issue six months' notice of the quantity it wishes to redeem. If a sufficient number of debentures is not voluntarily forthcoming for redemption, the debentures up to the required amount may be retired by drawing lots. The bank may offer cash or new bonds up to the value of the bonds so redeemed, but the debenture-holders should have liberty either to accept or refuse the new bonds, and to demand payment in cash.

A by-law to be prepared.

(4) The bank should have a sinking fund and it should purchase its debentures whenever necessary to prevent depreciation.

(5) No guarantee of the principal is necessary and it is sufficient if interest is guaranteed during the currency of the loan.

(6) Debentures should not be issued at a discount.

(7) Government should bear the establishment charges of running the bank for *two* years in the beginning.

(8) Bearer bonds are not suitable.

(9) Each primary bank should have a separate staff for the valuation of lands, investigation into titles, etc.

(10) Subsequent mortgages by debtors should be prevented by legislation. But the maximum amount of loan that can be borrowed by an individual to be raised to Rs. 5,000.

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